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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 99<sup>th</sup> CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—Wednesday, June 5, 1985

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, may we learn to use our words as vehicles of understanding and not as weapons that injure or cause hurt. May good intentions give rise to words of praise, support, and concern and may the cause of justice give rise to words of correction and judgment so to better serve the common good. Help us, O God, to see how our good words may express our gratitude to You for this new day and our words to each other may bring trust and appreciation. In Your name, we pray. Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### AMERICANS SUPPORT AID TO THE CONTRAS

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, the New York Times this morning published the results of a Times/CBS News poll on attitudes about Nicaragua.

Let me read to you what the poll says about sending food and medicine—humanitarian relief—to the Contras: I quote:

Moreover, 62 percent of all those polled—and even 49 percent of those who said the United States should not help to overthrow the Nicaraguan Government—said they supported sending food and medicine to the rebels . . .

That's right, Mr. Speaker, 62 percent of the American people agree with the amendment we will offer to the supplemental appropriations bill, giving humanitarian aid to the democratic resistance in Nicaragua.

There is still much to be done about public knowledge in this area.

The Democrats have their own polls. But the Times/CBS poll has been shown to be an excellent barometer of American opinion.

So, much work remains to be done. But one thing is clear:

An overwhelming majority of Americans favor humanitarian aid to the democratic resistance in Nicaragua.

### PERMISSION FOR SUBCOMMITTEE ON SURFACE TRANSPORTATION OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING 5-MINUTE RULE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation be permitted to sit today during the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

### PERMISSION FOR SUBCOMMITTEE ON AVIATION OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT ON TOMORROW DURING 5-MINUTE RULE

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Subcommittee on Aviation of the Committee on Public Works and Transportation be permitted to sit during the 5-minute rule on tomorrow, Thursday, June 6, 1985.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

### AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY JUNE 13, 1985

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday,

June 13, 1985, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting the Prime Minister of India.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

### SUPREME COURT ERRORS IN SCHOOL PRAYER DECISION

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, yesterday's Supreme Court ruling striking down an Alabama law on school prayer reinforces the need for a constitutional amendment to permit prayer in public schools. It is clear that the Court will not correct decisions which have had a chilling effect on the right of those who believe in one Nation under God.

The Alabama law required a moment of silence or prayer each day. The Court majority took the view that "The first amendment embraces the right to select any religious faith or none at all." The problem is that the majority persists in bending over backward for those who select "none at all" without due consideration for those who espouse religious faith.

The Chief Justice correctly pointed out in his dissent that it was "ironic, perhaps even bizarre" that the session of the Court which announced the decision began with a prayer, as do our daily sessions in Congress.

As a member of the Judiciary Subcommittee on Civil and Constitutional Rights, I call upon our chairman to schedule prompt hearings on pending school prayer proposals.

### SUPREME COURT DECISION IS WISE, JUST, AND COURAGEOUS

(Mr. EDWARDS of California asked and was given permission to address

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

the House for 1 minute and to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Speaker, yesterday the Supreme Court ruled, in *Wallace versus Jaffree*, that a State law which allowed "meditation or voluntary prayer" violates the first amendment of the Constitution. I believe that the Court made a learned decision to avoid subtle erosion of the fundamental constitutional prohibition of the establishment of religion.

The Court found that the Alabama law was one of three statutes passed by the State legislature to get prayer back into the classroom. Lower courts had already decided that a spoken prayer law was unconstitutional, but that a meditation law was acceptable.

But, Mr. Speaker, I also believe that we must also take note of what the Court did not say. The Court did not rule that all moment of silence plans are unconstitutional. The Court noted that silent voluntary prayer was not prohibited by the law. Only those laws or policies which encourage prayer or which have no secular purpose were affected by yesterday's ruling. The Court found that the Alabama statute was designed only for bringing voluntary prayer back into the classroom and that it had no secular purpose. This, I agree, is not constitutional.

I think, Mr. Speaker, that we must reflect for a moment on the demands that emerged yesterday for a constitutional amendment to allow prayer back in the public schools. The Court did not break new ground yesterday, but merely set forth the fundamental proposition: that government sponsorship or encouragement of prayer cannot pass constitutional muster. The Court's decision in *Jaffree* merely upheld the law as we have known it for over 20 years. It was a wise, just, and courageous decision by the Supreme Court.

□ 1210

#### FUNDING FOR HOSPITALS AND SCHOOLS, NOT GUNS AND BULLETS

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, I thought it was appropriate to respond to the minority leader's statements this morning with respect to what it is that the American people actually believe and desire pertinent to our overall policies as a nation toward Central America.

The minority leader pointed out that the Americans want to support, with humanitarian aid, the rebels in Nicaragua. I submit, Mr. Speaker, that the American people, being a compassionate people, want very much to support all democratic governments in Central and South America, and that

indeed our policies as a nation need to be better spelled out.

Whatever happened to the Kissinger Commission Report? I would hope that after we visit once again the issue of aid or not to the Contras in Nicaragua, and regardless of its outcome, this House will see to it that we propose funding for hospitals and schools rather than just guns and bullets for the entire region, which will indeed make our Nation more secure.

#### CONGRESS SHOULD PUT ITSELF UNDER THE SAME LAWS THAT WE IMPOSE UPON OTHERS

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, recently I introduced a bill which would protect every congressional employee from employment discrimination. As my colleagues know, when Congress outlawed that sort of discrimination, we exempted ourselves from the law.

Today, my colleague from Colorado, the gentlewoman, will introduce legislation aiming also to remove discrimination. I am proud to be a cosponsor of such legislation. It seems unusual to talk about Nicaragua and then to find out that we ourselves here are still discriminating. So perhaps we should remember what James Madison said:

The House of Representatives can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples; but without which every government degenerates into tyranny. If it be asked what is to restrain the House of Representatives from making legal discriminations in favor of themselves and a particular class of society? I answer, the genius of the whole system, \* \* \* (and) a spirit which nourishes freedom, and in return is nourished by it.

If this spirit shall ever be so far debased as to tolerate a law not obligatory on the Legislature as well as on the people, the people will be prepared to tolerate anything but liberty.

I ask the Congress to please move to put ourselves under the same laws we impose upon others.

#### CENTRAL AMERICA: A DOSE OF REALITY

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, Mr. President, there you go again.

Once again you are calling for aid to the so-called Contras of Nicaragua—only this time, the President is calling it humanitarian aid. One has to

wonder: do terrorists qualify for humanitarian aid? After all, numerous and credible reports suggest that the Contras recruit many soldiers by kidnapping young men and even boys; that they routinely abuse and torture civilians, and that rape is a favorite activity of these so-called fighters.

President Reagan would define humanitarian aid as anything short of guns and bullets. But the effect would be to build the military strength of the Contras, who would thus be freed to buy more guns and bullets. There are those of my colleagues who insist that they can tie enough strings to the aid to be sure that it does not end up in promoting violence, but how can this be effective? After all, the Contras were formed and are maintained as a force dedicated to violence. The logic is like proclaiming that it is possible to provide humanitarian aid to the Hells Angels. The nature and purpose of the organization is in no way affected or altered by the character of the aid it gets.

Who trusts the Contras? Certainly not Honduras, which has acted as their uneasy host. Indeed, Honduras in recent weeks has moved the Contras away from the border area, because that Government doesn't want the Contras to provoke an outright confrontation and possible war with Nicaragua. In short, the Contras are considered even by Honduras to be a dangerous nuisance, if not worse.

And what about Nicaraguans? How many Nicaraguan villages have welcomed the Contras with open arms and glad shouts of joy? Do Nicaraguans want these so-called freedom fighters? There is not a shred of evidence that they do. These are not the representatives of a people yearning for liberation; they are more like the representatives of a regime that 50,000 Nicaraguans died to be rid of.

Certainly we don't like the Sandinistas. But our support of the Contras has done more than anything else to strengthen the Sandinistas and drive out any moderate opposition. And it is illogical and self-defeating to think that Ronald Reagan sees so-called humanitarian aid as anything more than a backdoor way to continue financing the Contras. Those who are tempted to support humanitarian aid should remember that the President's purpose is to get out of conference something altogether different, including outright military aid, if he can. To support so-called humanitarian aid would be to continue a policy that has been a misguided failure from the start: politically catastrophic, morally indefensible, and totally counterproductive.



# THE AMERICAN PEOPLE ARE IN SUPPORT OF STOPPING COMMUNISM

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, I would like to congratulate the minority leader for bringing to the attention of the House that 62 percent of the American people do in fact support humanitarian aid to the freedom fighters in Nicaragua. I am not at all surprised to hear the Democrats get up on several occasions now already trying to refute that particular side of the equation.

What we are dealing with here is a question of whether or not you are going to do something about Communists in Nicaragua. We keep hearing them described as Sandinistas. That is because too many Democrats do not want to face the facts: We are dealing with Nicaraguan Communists. There is a Communist government in Nicaragua.

Every time that you suggest that we do not do something to stop the spread of communism in Central America, you are in fact supporting the Communist government in Nicaragua. The minority leader has pointed out that the American people are beginning to understand the nature of the adversary there, and that they are beginning to understand that we ought to be providing them with at least humanitarian help.

The Democrats, to a man, so far today in this well, have suggested otherwise; that we ought not be supplying the help that the freedom fighters need to stop communism in Nicaragua. I think the American people are on the side of stopping communism and they will support exactly what the minority leader was talking about.

## IN THE PUBLIC INTEREST: TAX REFORM

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, finally, our Government is seriously addressing a tax reform program that will, hopefully, produce a tax system that is just and equitable. Such reform is long overdue. Our present tax system is riddled with exceptions, exemptions, exclusions and every other device familiar to specialists in the fields of accounting and law. Sadly, most are devices that produce advantages for some few at the expense of the many, and to the detriment of us all.

It is a disgrace that our Government and its institutions—the bastions of justice and equality, and of openness and inclusion—have allowed our tax system to become too exclusively a

domain of self-interest at the expense of the public interest. Our tax reform program must insist that the common burden be shouldered commonly. Through these reforms, we must demonstrate that private wealth and power do not deserve public privilege and advantage. Our reforms must clearly signal special interests and their hired lobbyists that the tax system is no longer available for their private use and abuse, exempt from scrutiny and public accountability.

The American public has become discouraged and frustrated, to state it mildly; more accurately, it has become resentful, bitter, and sometimes outraged. Resentful when wage earners see the money withheld from their paychecks in order to fuel the machinery of Government; bitter when they learn that loopholes have allowed the very wealthy, major corporations, and unscrupulous defense contractors to legally escape tax liability; and outraged when, even worse, they balk the Public Treasury for personal and corporate gain.

No one likes being taken advantage of. The American public knows it is being ripped off, and it is fed up. Reform is demanded, but it must be true reform—not just another tinkering that holds only false hopes for the public while privately assuring the powerful lobbies that business will be as usual.

True tax reform, indeed, should include tax simplification. Not only in the format of the tax forms, but a reform built on the simple reality that Big Oil and Big Business, and all those who wield money, power, and influence in the governmental process, do their fair share. Enough of the maneuvers, the ploys, and deceptions. Tax reform—yes! Tax simplification—yes! But let it be done equitably and honestly with the American public as the sole special interest, and with restoring the people's confidence in our tax system as the ultimate goal.

□ 1220

## THE SOUTH AFRICAN SANCTIONS

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GUNDERSON. Mr. Speaker, when we complete these 1-minute today we are going to go on to the South Africa sanction bill, and as we do we are going to consider three different substitutes.

As we begin that process, I would call to the attention of my colleagues an editorial in this morning's Washington Post on "The South African Sanctions." I would like to read some of the elements from that. First of all, it says:

As a result of this seeming burden of consistency, the House may approve for the first time, on Thursday, a package of economic restrictions against the practitioners of apartheid. If that happens, it will be a mistake.

They go on:

But there is a serious, respectable, non-racist case against immediate sanctions. It is that the country's economy is its most effective engine of social transformation, compelling whites to grant blacks precisely the training and education, the livelihood and personal rewards, the choices of where to live and work, the associations and organizations, the sense of their own power and community. . .

Finally:

The legislation is widely seen, by Democrats, as a rebuke to the Reagan Administration's policy of constructive engagement. That it would be. But it would be a poorly aimed rebuke. The type of engagement that widens blacks' economic advantages and openings is the good kind.

With that, I encourage Members to consider my substitute when we consider the substitutes and the issue of sanctions on South Africa later this afternoon.

## USE WHAT WE HAVE TO HELP PEOPLE IN CENTRAL AMERICA WHO NEED HELP THE MOST

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, I rise to object once again to the notion that some express here on the floor of the House that if you do not support this President and his policies in Central America, somehow you are supporting the Communists.

That is outrageous, absolutely outrageous. First of all, they grossly distort the threat. Second, they apply an inappropriate remedy and say if you do not support the inappropriate remedy, you support the Communists.

I think that is just outrageous. The fact is, I have been to Central America. There are people down there hungry. I have seen kids starving in Central America. Hungry people need something to eat. Sick people need medicine. Illiterate people need education.

This country can provide what that region needs. We have people who are preoccupied with things that explode, and if we are not sending a gun they are not satisfied. What we ought to do is worry about the spread of communism all around this world, including Central America, but you worry about it, in my opinion, by fashioning the right kind of foreign policy that gives help to the right people.

Opposing this President's policies in Central America, in my judgment, represents the right direction to solve this country's best interest and also the best interest of the people who live in

that region. Let us use what we have to use best—food, education, medicine—to help people who need help the most.

#### EVERGREEN MEMORY GARDENS CEREMONY

(Mr. COBEY asked and was given permission to address the House for 1 minute.)

Mr. COBEY. Mr. Speaker, recently, I had the privilege and honor to represent the U.S. Congress at a dedication service in Reidsville, NC.

At Evergreen Memory Gardens, a bronze memorial to the Manila American Cemetery and Memorial from World War II, plus a bronze memorial to the eight World War I American military cemeteries on foreign soil, were officially dedicated.

This was the 14th and last dedication ceremony held at Evergreen Memory Gardens. Now, all of our military dead on foreign soil have been honored there.

These dedications of bronze memorials were the result of the dedicated work of a true patriot, Mr. Les Daly.

We are extremely fortunate to live in a country that can produce men of Mr. Daly's stature.

The bronze plaques at Evergreen Memory Gardens will be a constant reminder of those Americans who made the supreme sacrifice for freedom.

#### ELECTION OF MEMBER TO COMMITTEE ON THE JUDICIARY

Mr. GEPHARDT. Mr. Speaker, as chairman of the Democratic Caucus and by direction of the caucus, I offer a privileged resolution (H. Res. 185) designating membership on a standing committee of the House, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 185

*Resolved*, That John Bryant, Texas, be, and he is hereby, elected to the Committee on the Judiciary.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### THE SANDINISTAS ARE COMMUNISTS

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, it is interesting in this debate on Nicaragua that on one hand we have Yasser Arafat and his group, Ayatollah Khomeini, we have Muammar Qadhafi of Libya, the Russians, the Cubans, Bulgarians, North Koreans, all supplying millions of dollars to the Government of Nicaragua, and the answer is, "they are not Communists." The Sandinista

government is, in fact, Communist. They are supported by radicals. They are, in fact, Marxist-Leninists, clearly and simply.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, because I think the gentleman makes a very valid point.

The point that this gentleman made earlier in the well is the fact that there is no doubt that we are dealing with Nicaraguan Communists. The question is whether or not, in providing the humanitarian aid that we all want, we provide it to freedom fighters who are on our side, or whether we provide it to the Communists.

I do not think that we want to be in a position on the House floor of suggesting that the way in which you should approach the problem in Nicaragua is to provide U.S. taxpayers' money to the Communists in Nicaragua; rather, I think we ought to go the direction that the minority leader suggests: that what we ought to be doing is supplying some money to the freedom fighters, the people who are on our side in Nicaragua.

Far better that we do that. Far better that we do that than move in the direction that seems to be suggested here, that the Communist government of Nicaragua is where we ought to place our help.

No, I do not think the American taxpayers want to see their tax dollars going to Nicaraguan Communists. They want to see them going to the democratic opposition within that country.

Mr. DORGAN of North Dakota. Mr. Speaker, will the gentleman yield?

The SPEAKER. The time of the gentleman from Michigan [Mr. SILJANDER] has expired.

□ 1230

#### ANTI-APARTHEID ACT OF 1985

The SPEAKER. Pursuant to House Resolution 174 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1460.

□ 1232

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, with Mr. DE LA GARZA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, June 4, 1985, pending was an amend-

ment in the nature of a substitute offered by the gentleman from Michigan [Mr. SILJANDER]. The gentleman from Michigan [Mr. SILJANDER] had 30 minutes of debate remaining and the gentleman from Michigan [Mr. WOLPE] had 30 minutes of debate remaining.

The Chair recognizes the gentleman from Michigan [Mr. SILJANDER].

Mr. SILJANDER. Mr. Chairman, I yield myself such amount of time as I may consume.

I thank the Chair for the opportunity to share with the Members my views about the Siljander substitute dealing with the apartheid issue in South Africa.

No. 1, the conditions in South Africa are appalling. Three hundred-plus blacks have been killed in riots, blacks have been killing blacks—Azapo versus UDF—violence. Over 88 blacks have been killed by one another in political violence. White police have been mowing down protesters inadvertently. Over 250 blacks have been killed by white police. They pass laws, the homeland policy, influx control, detention laws, prohibition of full black participation in the political system—they still exist. They have not changed at all.

But I think it would be interesting to look at specifically why the protests are now taking place in South Africa. From my recent visit in South Africa, I have found that the riots are not for disinvestment or banning new business; the riots are not for banning bank loans, Krugerrands, or computer sales to the Government. The protests do not take the form of general strikes by blacks to shut down their own economy to put pressure on the Government. Black people in South Africa have not been willing to sacrifice their jobs for pressure. The riots and the protests are to create an equality in justice and in social, economic, and political life. That is what the riots are all about.

Many black South Africans are rioting because of unemployment. Rioting is not a problem in Soweto, the scene of the 1976 unrest, that shocked the world. Instead, the rioting and killings are occurring in the Port Elizabeth area where unemployment is a serious fact of life. The riots are taking shape because of demands and concerns about jobs, housing, and food on the table.

Recognizing some of these realities, the key question is, how should U.S. policy respond to the current situation in the South African Government and the black community in South Africa? How can we best help in influencing and securing the hopes and dreams of the black majority that is so utterly oppressed in that society? I would like to read a quote by Dr. Martin Luther King. He said:



The ultimate measure of a man is not where he stands in moments of comfort or convenience but where he stands in times of challenge and controversy. The true neighbor will risk his position, his prestige, and even his life for the welfare of others. In dangerous valleys and hazardous pathways, he will lift some bruised and beaten brother to a higher and more noble life.

I think the quote of the late Dr. Martin Luther King is quite clear. While conditions have not changed in South Africa there is an important organic, dynamic change happening in another area, especially when one places this change in the context of South Africa itself. There is, in fact a change of attitude amongst the white ruling minority. The rhetoric of the last 6 months, by the President and other leaders is a 180-degree shift from just 6 months ago. To hear President Botha suggest that blacks should be involved fully in the political process is in itself a remarkable admission that conditions in that country need to be changed.

The radical rightwing white Afrikaner fringe element that ruled for 29 years, is no longer in power. There is a reality that has hit the white ruling minority. There is an obvious economic reality that seems to be surfacing. That reality is—apartheid must die.

Three-quarters of the work force is black. One-half of the skilled work force is black. Trade and labor union influence is growing substantially. Apartheid is an expensive system to maintain by the Government from a very practical, pragmatic dollars-and-cents point of view. In 1985, for example, to keep up the homelands and control of Namibia, the Government budget increased 27 percent. They realize that they cannot continue this policy, at least economically. Industrialization, coupled with growing international and internal domestic pressure, has forced this change of attitude.

Whites cannot exist in South Africa alone. That is just reality. Colin Eglin, who is a P.F.P. member of the South African Parliament and who is on record as a strong opponent of the apartheid system, says this:

It is these forces that are helping create economic muscle for black South Africans, so that blacks are in a stronger position to bargain for their rights and fight for their liberation. It is these forces that promote peaceful forces from within South Africa that must be strengthened and must be encouraged.

Is it not interesting that the Government of South Africa is in the process of repealing the Mixed Marriages and Morality Acts? In themselves they are small steps, and they are meaningless in terms of changing the conditions of blacks in South Africa. And I agree to that.

□ 1240

I agree to that, but they are significant in the attitude of the white lead-

ers, who by virtue of their support of the elimination of Mixed Marriages Act and Immorality Act, are saying that yes, apartheid is immoral. They are saying that the process of apartheid is wrong and needs to be changed. On the table, for the first time in the history of the country, the President has put the Group Area Act, influx control and detention laws.

Now, they are on the table, but they have not changed yet. So our policy needs to be directed at how can we help accelerate the attitude and translate that into practical changes.

Job reservation laws have been repealed. The temporary work force status of blacks to permanents have been changed. These things cannot be ignored in terms of the attitude of the Government of South Africa.

I want to repeat, because the last time I presented this argument, it did not seem to sink in. I do not suggest that these in themselves are significant changes in the condition of blacks. I do not think so and never suggested they would be; however, they are significant in the admittance of the white South African leadership that what they are doing is absolutely, unequivocally wrong.

Colin Eglin also said:

A greater sharing in social benefits, economic opportunities, even political power, are consistently taking place. I share with my fellow South Africans the frustration, however, at the slowness and the unevenness of the pace at which these changes are taking place.

I agree with him. It is too slow, too little, and too late.

So the question really ought to be in our policy, how do we accelerate and help effectively change the attitude into practical changes in the conditions?

Adlai Stevenson once said:

When some people see darkness, they curse. Others will light a candle.

The whites dominate blacks and some answer that to, more cursing will change this horrid darkness. Our choice is either to raise up blacks or reduce both blacks and whites to rubble heaps.

My vision is to build a cathedral for the blacks to match the cathedral of the whites in that country. That is my hope and my vision, not to reduce the total society to equal rubble heaps, as in the neighboring country of Mozambique, but rather to build up, to encourage and bring blacks and whites up to equal levels, not down to respective lower levels.

Dr. Martin Luther King said:

We will never have peace in the world until men everywhere recognize the ends are not cut off from the means, because the means represent the ideal in the making of the end process. Ultimately, you can't reach goods ends through evil means, because the means represent the seed and the end represents the tree.

I would submit to the Members that by opposing the Siljander substitute, what we are really saying is that we do not want American business in South Africa to continue to pursue equal racial policies.

At least the substitute of the gentleman from California [Mr. DELLUMS] is intellectually honest. He is not saying that we should encourage business that is in South Africa to pursue equal racial policies. What he is saying is that we should not have any business in South Africa. We should sever ourselves completely from a racist system.

While I disagree with the gentleman, my good friend from California, I must say to the rest of the membership that versus another substitute, his is intellectually honest and up front with what he wants to do.

The Gray bill does nothing in terms of existing business in South Africa. What does it do to existing business to help contribute to change?

My substitute puts a sanction on existing business, where Gray does nothing.

The Siljander substitute says that a business cannot exist in South Africa unless it signs the Sullivan principles in full, the newest version of the principles; and lobby, promote, spend, and encourage change for the blacks in that society.

Existing business is not let off scot-free either. They must subscribe to the Sullivan principles also.

Leon Sullivan said in a recent op ed in the Washington Post that by these principles, the Sullivan principles, along with other forces, must be pushed more than ever before to help speed up the far too gradual movement toward fundamental reform, and this is why I am proposing immediately that present business in South Africa, U.S. business, should conform to the Sullivan principles.

Some will respond, well, we are for the Sullivan principles, but later on at another date we will introduce a bill making Sullivan mandatory for new and existing business.

Gray now and Sullivan later are not compatible, because if we ban new business initially, that prohibits present business from retooling, from modernizing, and expanding; essentially putting them under a state of siege. It will mean that they will not be able to effectively compete in the international markets.

Do you think that those signatories to the Sullivan principles who have contributed over \$100 million since 1977 and tens of thousands of corporate hours for employees to learn, to educate, to train for upward mobility and management, do you really think that with the economic pressures that banning new business, they could continue to comply the Sullivan principles?

There would be an avalanche of those that were signatories that would become former signatories as they drop their compliance.

Congressman WOLPE was concerned that present businesses in South Africa, U.S. businesses who had signed Sullivan are not fully conforming. That is a legitimate concern.

I advocate, however, with H.R. 1460 now and mandatory Sullivan later, no one will become a signatory. They will all simply choose to leave.

I think it is quite obvious that the proponents of the Gray approach, some of them, should admit what they are really up to and be honest like the Dellums bill is honest.

What we are suggesting with Gray now and mandatory Sullivan later is total disinvestment from beginning to end. It is a disinvestment scenario, not only of new business, but of existing business as well. It puts them in an untenable position.

Besides the 125,000 employees of U.S. firms that are Sullivan signatories, 77,000 of which Mr. GRAY mentioned were blacks, Sullivan himself estimates that nearly 1 million, mostly blacks, work in South Africa for South African firms; that because of U.S. business leadership have signed the Sullivan principles themselves; if we wash our hands, cut and run, what will become of those 1 million mostly black workers that are now under desegregation of the workplace and upward mobility?

We should use the economic might of the United States to literally declare war on apartheid, not to cut and run. We should stay and fight for the fortunes of all blacks in South Africa.

Now, how do we deal with new business? Well, the Gray bill simply bans all new business. It is a sanction.

We also ban new business, unless new business is willing to conform to the Sullivan principles; and unless new business is willing to contribute to positive change for blacks in that country.

What are the ideas embodying H.R. 1460 that help build a visionary cathedral for blacks? What positive influence is in H.R. 1460, by any remote stretch of the imagination?

I believe that the Siljander substitute goes much further than H.R. 1460. It deals with existing business. It also deals with new business. It applies sanctions unless there is positive change, rather than purely being punitive.

Leon Sullivan says that Congress should make the newly toughened principles mandatory, and that is exactly what I am trying to do.

If you look up the word sanctions in Webster's Dictionary, it means using force to influence change. I think Sullivan compliance is a direct attack on the South African Government. It is a

direct sanction against the institution of apartheid.

I think we should use our influence to advance the black cause and not to destroy it.

I think an important question should be how do we keep up the pressure? How do we accelerate the pressure toward change in South Africa? I have been advocating a Marshall plan for South Africa. The Siljander substitute creates a human rights fund to help black human rights causes.

□ 1250

The National Endowment for Democracy, is given \$1.5 million to assist democratic development, and \$15 million for black scholarships. We also allow black joint ventures with American firms to recover assistance through OPIC. In fact, I have been criticized by some of my colleagues on my side of the aisle because this is too liberal an approach. Some believe that we are spending too much money on a foreign country.

We helped Europe in the same way, and we should consider this Marshall plan to be minor, in terms of a trillion-dollar budget, to help blacks in South Africa.

No. 2, it gives a reasonable timeframe, 3 years for the foundational elements of apartheid, the pass-through, influx control, detention laws, group area acts and other acts to be dismantled and to allow full political participation by blacks in that system. A U.S. commission is created that must report each and every 6 months to Congress on the progress of change of these major elements of apartheid.

This commission is independent from the White House, independent from Congress. It is a commission without influence one way or the other.

If no progress is made after 3 years, which is a reasonable timeframe, even Sullivan suggests we should give at least 2 years for these major significant building blocks to change, then my amendment clearly suggests that embargoes, sanctions, the Dellums approach should be considered. It does not automatically trigger it in, but it should be considered.

So the major actions we are suggesting are to make Sullivan mandatory for new and existing businesses. A Marshall plan to help catapult South Africa into the 20th century. This is a sanction against the Government because every penny we put in helps blacks in challenging the apartheid system.

We consult, review, and call for change. If there is moral indignation at all against South Africa, in the Gray bill, the Dellums bill, or the substitute offered by the gentleman from Wisconsin [Mr. GUNDERSON], we clear-

ly outline as much moral indignation as any.

Action taken after a reasonable timeframe is what we call for, assuming that elements of apartheid have not changed.

So I would say that both of our bills deal with economic sanctions. One is punitive and one is positive.

Economic growth will be the backbone of the fight against apartheid. Growth makes racial discrimination more expensive. Our civil rights history proves that growth can destroy racism.

It is important to be concerned, and we debated this yesterday for nearly a half an hour, just how do the blacks feel about what we are trying to do on their behalf in South Africa. Past results of polls of blacks have been rejected and a new poll has been rejected. We asked for a referendum which was defeated in Congress. Somehow, somewhere, we need an alternative to consider the concerns of the blacks themselves in South Africa. After all, the leader of the largest black group in South Africa, Chief Buthelezi, says:

For me, the first question that must always be asked in the disinvestment debate is what the people of South Africa themselves say about it. I have yet to meet a black South African worker who favors disinvestment. Disinvestment would strip us bare. So I must conclude that those who have advocated disinvestment do so in complete disregard of what black people themselves think.

Whether we agree with Chief Buthelezi specifically or not, we ought to be concerned with how blacks would respond to our activities.

The CHAIRMAN. If the gentleman would kindly suspend, the Chair would like to advise the gentleman from Michigan that he has consumed 21 minutes of this 30 minutes.

The gentleman may proceed.

Mr. SILJANDER. I thank the Chairman for his point.

You may not want to vote for the Siljander substitute, and that is fair enough. But we should be concerned about the impact it would have. You may not be interested to know exactly how to tap in on the concerns of the black community in South Africa. I am not advocating that there is a way, and I do not now if there is a way to accurately discern the true public opinion among South African black people.

But please, respectfully consider the following figures:

The gentleman from Pennsylvania [Mr. GRAY] stated that of the 125,000 employed by U.S. firms, only 77,000 are nonwhites. That is true. I have no disagreement. However, it is clear, based on the South African Chamber of Mines and other groups, that each one black employee feeds 6.6 to 10 other black mouths. So the 77,000 begins affecting significantly more



than the 77,000, but 500,000 to 770,000 people.

The Krugerrand ban could affect 550,000 black workers in the mines of South Africa. That is another 3½ to 5½ million people. The 1 million blacks employed under South African firms that have signed the Sullivan principles equal 6.6 to 10 million more mouths.

The figures are incredibly awesome and the human suffering of these individuals needs to be considered.

In closing, Mr. Chairman, just why do we oppose apartheid? It is degrading to the human spirit. It causes human suffering, and that is the bottom line. Apartheid causes human suffering emotionally, socially, politically, economically, in every way. It is immoral and it is wrong because the bottom line is people suffer.

If we are the compassionate people we claim to be, we should do all we can to destroy a system that causes such deep human suffering.

But I would advocate that when the gentleman from Pennsylvania [Mr. GRAY] and others are presenting disinvestment, that only aggravates human suffering, that this is an illogical response to the very definition of why we find it morally repugnant.

In the Jewish Torah it says that those in government authority and its leaders have a job to bring justice to the nations. The issue is indeed a moral one.

Is it moral, then, to ask others to further suffer because we in our self-righteousness feel it is in their best interests to change? Is it honest or moral in our secure environment with full bellies and \$75,000 a year salaries and upper middle class homes to ask others to give up their salaries, their homes, and go hungry because somehow this action we think will help them topple their Government or cause an end to apartheid?

The answer in my opinion is to help create an environment of hope, an environment of vision, and a dream for blacks. We can do that by offering opportunity, not the lack of opportunity. The elimination of poverty must be predominant in our mind, and the way to eliminate apartheid is to eliminate poverty, not to expand it.

If our goal is really to make a strong moral statement against apartheid we have done that. But let us make it unequivocally clear. The gentleman from Texas, Congressman MICKEY LELAND, told me just yesterday what we need to do is "make this statement effectively, constructively, and positively."

The Siljander substitute fills each and every criteria that the gentleman from Texas [Mr. LELAND] sets out. The Gray bill is negative, is not effective; it is punitive and is not a constructive approach to help the suffering and the poor in South Africa.

I would like to end by quoting an editorial from the Washington Post, which I do not often quote from, but in this particular instance I think it is appropriate. It says the following concerning the Gray bill:

In short, the best thing about the bill is that its effect will be largely symbolic. But that does not make it wise public policy.

The legislation is widely seen by Democrats as a rebuke to the Reagan administration policy of "constructive engagement." That it would be. But it would be a poorly aimed rebuke. The type of engagement that widens blacks' economic advantages and openings is the good kind. What deserves to be criticized in the administration's policy but is not attacked by this bill is the kind that lets too many South Africans ask whether the United States is desirous about apartheid. The kind that has American diplomats seen more often to be apologizing for apartheid than demanding its abolition.

□ 1300

I want to thank the gentleman from California for his honest approach. At least he makes clear his position and makes unequivocal his attitude toward the Government. I stand here supporting him from my approach which I feel is a positive one rather than a punitive one.

Mr. MICHEL. Mr. Chairman, will the gentleman yield to me?

Mr. SILJANDER. I yield to the gentleman from Illinois, our minority leader.

Mr. MICHEL. I thank the gentleman for yielding to me.

Mr. Chairman, I had a unanimous consent request earlier in the day to include with my remarks several letters, one received from the Secretary of State, Mr. George Shultz, which reads:

THE SECRETARY OF STATE,  
Washington, DC, June 1, 1985.

HON. ROBERT H. MICHEL,  
House of Representatives.

DEAR BOB: I am writing you to discuss House consideration of H.R. 1460, the Anti-Apartheid Act of 1985, which I understand is scheduled for Tuesday, June 4. As you know, the Administration strongly opposes this bill, and I hope you will feel free to share my views with as many of your colleagues as you deem appropriate.

The issue of apartheid is one on which there is no doubt that all Americans speak with one voice. It is morally wrong, repugnant to our social values, and is a system which must be ended as quickly as possible. The President, our Ambassador to South Africa, State Department officials and I have often stated this position publicly and have vigorously maintained it in our private exchanges with the South African Government. The real question before the House is how best to use U.S. influence to bring about the end of apartheid. The Administration believes the Gray bill would send precisely the wrong signal at the wrong time. We cannot simply walk away from South Africa or throw our hands up in an act of moral indignation. Rather we must enhance policies that increase the ability of the United States to help accelerate the pace and channel the direction of the inevitable change in South Africa.

A ban on new investment and other measures included in H.R. 1460 would remove one of the levers available to our country which has been most effective. These measures will not be an effective tool in bringing about change. They hurt U.S. companies, which have clearly been in the forefront of change in the workplace in South Africa. Legislation designed to reduce the American economic presence in South Africa, if implemented, will affect the employment of about 55,000 blacks now working for U.S. firms, whose jobs are at risk if their companies are forced by the onerous provisions of this legislation, to reconsider their South African operations.

As the House debates H.R. 1460, I sincerely hope you and your colleagues will bear these points in mind, and will also consider the negative effect that such legislation will have on our regional policies in southern Africa. I urge you to vote against H.R. 1460.

Thank you very much for your attention to this matter.

Sincerely yours,

GEORGE P. SHULTZ.

Mr. Chairman, I also have received a letter from the Secretary of the Treasury, Jim Baker, which says:

THE SECRETARY OF THE TREASURY,  
Washington, DC, June 3, 1985.

HON. ROBERT H. MICHEL,  
House of Representatives,  
Washington, DC.

DEAR BOB: The Administration strongly opposes the repugnant apartheid policies of South Africa. At the same time, U.S. Government policies to encourage the elimination of apartheid should be carefully formulated to be effective and consistent with other policy objectives.

We do not believe that economic sanctions, such as those in H.R. 1460, would be effective in eliminating the South African Government's apartheid policies. Indeed, economic sanctions may be counterproductive since they may harm rather than benefit the black population in South Africa.

Other than national security exceptions, we have consistently maintained that leading decisions should be based on market rather than political considerations. The proposed restrictions would undermine the Administration's policy that international capital markets should remain free of government interference. The proposed ban on bank loans to the South African public sector could set a dangerous precedent for imposing politically motivated restrictions on lending to other countries. Moreover, a ban on U.S. bank lending would not be effective if other countries' banks replace our banks as lending sources. Also, since much U.S. bank lending finances U.S. exports, such lending restrictions may harm U.S. production and employment.

The proposed ban on new investment would remove a major catalyst for reform in South Africa. Many U.S.-owned companies there provide equal pay, unsegregated facilities and training and job advancement opportunities for all workers. Finally, the proposed ban on Krugerrand imports may raise serious concerns about our GATT obligations.

For these reasons, I urge you to work to defeat H.R. 1460. We believe the Administration's policy is a more effective way to work against apartheid.

Sincerely,

JAMES A. BAKER III.

Mr. Chairman, I also received a letter from the Secretary of Commerce, Mr. "Mac" Baldrige which reads as follows:

THE SECRETARY OF COMMERCE,  
Washington, DC.

HON. ROBERT H. MICHEL,  
House of Representatives  
Washington, DC.

DEAR BOB: I am writing to ask you to vote against H.R. 1460, the Anti-Apartheid Act of 1985, which imposes punitive sanctions on U.S. firms engaging in trade and investment in South Africa.

While opposed to this legislation, I assure you of my opposition to South Africa's apartheid system and my support for the need for positive change. Indeed, I believe that U.S. firms operating in South Africa have been at the forefront of promoting change in South Africa, especially those firms which have signed or follow the fair employment code advocated by Rev. Leon Sullivan. These companies have spent millions of dollars on training programs and community development projects to assist their non-white workers.

H.R. 1460, however, proposes to ban new U.S. investment in South Africa. It also imposes trade embargoes and places constraints on capital flows between the United States and South Africa. This legislation would, I believe, lead to a decline in the U.S. presence there. This decline would only serve to transfer ownership from American companies, and the new owners could not reasonably be expected to continue the enlightened practices of the U.S. firms. If this occurs, the positive changes made by U.S. companies would be lost. Black workers and their families would suffer and the goal of promoting positive changes in South Africa would be set back.

If there are specifics in the bill which you want to discuss, please call me, or have your staff contact Gerald J. McKiernan, Deputy Assistant Secretary for Congressional Affairs, (377-1583) whom I have designated as the Department of Commerce representative on this issue.

Sincerely,

MALCOLM BALDRIGE,  
Secretary of Commerce.

Mr. Chairman, I would like to compliment the gentleman [Mr. SILJANDER] for his presentation here this afternoon. This gentleman from Illinois can certainly support his amendment as I can that of the gentleman from Wisconsin [Mr. GUNDERSON].

But I would like to take just a couple of minutes, if I may, if the gentleman would continue to yield.

Mr. SILJANDER. Mr. Chairman, may I inquire how much time is remaining?

The CHAIRMAN. The gentleman [Mr. SILJANDER] has 2 minutes remaining.

Mr. SILJANDER. Mr. Minority Leader, I would like an extra 30 seconds to yield to the gentleman from California.

Mr. MICHEL. If the gentleman wants to yield to somebody else, that is perfectly all right with me.

Mr. SILJANDER. I yield 30 seconds to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding. I simply wanted to say to my colleague that I listened very carefully to virtually all of his presentation. He and I disagree politically on this very vital and critical issue, but I believe that the gentleman is very positively motivated and I simply want to thank him for his kind and generous remarks with respect to the effort that this gentleman is attempting to make on what I perceive to be the most important debate at this moment of our time.

I thank the gentleman.

Mr. SILJANDER. I thank the gentleman for his kind comments.

Mr. Chairman, I yield back to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Chairman, I want to take a few minutes to make our colleagues aware of the fine work for human dignity and racial justice being done by American companies in South Africa.

We have heard quite a bit yesterday and today about the very real problems of South Africa. And I share with all of our colleagues the conviction that apartheid is a policy which cannot be condoned and must be eventually eliminated.

But the question arises: What is the best way to bring about its elimination or, to begin its modification?

The answer to that question is: No one knows. If we knew a formula for ridding South Africa of its problems without causing damage to the majority black population, we would be for it.

But any program that cuts off the black population of South Africa from the undeniable benefits of working for American companies is worthless.

I mention this knowing these questions have been and will continue to be debated in detail by many of our colleagues. I just want to pass on to you the record of one American Company in South Africa.

The Caterpillar Tractor Co., whose international headquarters is in my hometown of Peoria, IL, has a wholly owned subsidiary in South Africa.

This subsidiary owns and operates a parts warehouse of about 82,000 square feet near Johannesburg.

That facility employs 82 people—one of whom is Asian and 47 of whom are black Africans.

Caterpillar, as a matter of stated company policy, does not agree with the concept of apartheid.

In its "code of worldwide business conduct and operating principles" the company has a policy of fair treatment of employees without racial or other discrimination.

In its South African facility, this code of business is operational. The laws of apartheid have not prevented the operation of this nondiscriminatory code.

Caterpillar in Africa has an ongoing affirmative action program involving equal pay for equal work, self-development for employees, including company sponsored education programs and upgrading of all employees capable of undertaking more responsibility.

The program also supports all organizations promoting freedom and better living standards and desegregation and demands nondiscrimination of all employees in all respects.

As early as 15 years ago, Caterpillar in South Africa was improving salary levels, fringe benefits, training and job opportunities for black employees.

Caterpillar in Africa has a single salary scale that far exceeds the minimum wage in that country. There is also a "minimum living level" for families with three or four children. All employees receive a Christmas bonus equivalent to 1 month's salary.

There is a program for merit pay raises and training programs for blacks who want to prepare themselves for supervisory responsibilities.

There are black foremen in this plant. Whites have been hired into positions formerly held by blacks and they report directly to black foremen.

None of this sounds particularly innovative or revolutionary to us when we think in American terms. But in South Africa it is revolutionary.

It is revolution of progress through jobs.

Caterpillar helps employees to better themselves by reimbursing these employees for 70 percent of the cost of school courses they take. That is only one of the many programs Caterpillar operates for the educational progress of all its employees.

Finally, the Caterpillar Tractor Co. supports the Sullivan principles and is working to make them a day-to-day reality.

This is one company. In the great scheme of things its payroll is relatively small. But each one of its black employees is being helped, not hurt, benefited, not exploited. If one American company can do this, others also can—and they are.

There is going to be revolution in South Africa. There is no doubt in my mind about that.

The question is: Is it going to be revolution of violence and bloodshed brought about by the unendurable frustration of people who have been cut off from the outside world? Or is it going to be revolution of jobs, dignity and progress.

That's the question we are faced with.

If we cut off black South Africans from the benefits of American companies, we guarantee the worst kind of revolution.

I thank the gentleman very much for yielding to me.



The CHAIRMAN. The time of the gentleman from Michigan [Mr. SILJANDER] has expired.

The gentleman from Michigan [Mr. WOLPE] is recognized for 30 minutes.

Mr. WOLPE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I want to pay tribute to my very good friend, the distinguished ranking minority member of the Subcommittee on Africa, Mr. SILJANDER, for the substitute which he has put before the House today. There is no question but that this proposal represents a very significant step forward in the thinking of the gentleman from Michigan about how we ought to respond to the problem of apartheid in South Africa in comparison with his approach to this problem only a year ago.

Last year when we debated this issue my friend from Michigan was opposed to the mandatory implementation of the Sullivan principles. This year he offers a substitute which would require American firms doing business in South Africa to comply with a set of fair employment principles.

Last year the gentleman from Michigan flatly and categorically opposed sanctions in any way, shape, manner, or form against the Government of South Africa. This year my friend from Michigan offers us a substitute which provides for the possibility of sanctions against South Africa if, after 3 years, the commission which his substitute would provide for, after reviewing the situation in South Africa, concludes that sanctions would be a useful way of facilitating progress toward the elimination of apartheid.

So in the sense that the gentleman from Michigan now believes there are circumstances under which sanctions may indeed be useful, I want to pay tribute to him for his willingness to change his position with respect to the potential applicability of sanctions against South Africa.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield?

Mr. SOLARZ. I would be happy to yield to the gentleman if the gentleman will first permit me to finish my remarks which will not take much longer.

The problem with the gentleman's substitute is that it is in effect a legislative metaphor for what is wrong with the policy of the Government of South Africa itself with respect to apartheid. Because like the policy of the Government of South Africa with respect to apartheid, the substitute offered to us today by the gentleman from Michigan is too little and too late.

□ 1310

After 37 years of apartheid, after almost four decades of systematic discrimination, dehumanization and deg-

radation inflicted upon the black majority in South Africa by the white minority in South Africa, we do not need another 3 years in which to consider whether or not to impose sanctions against South Africa.

The time for sanctions is not 3 years from now. It is now. We do not need another 3 years in order to determine whether apartheid is good or bad; we do not need another 3 years in which to determine whether constructive engagement is working or not working.

The verdict on constructive engagement is in. It is a flop and a failure, and the verdict on apartheid is in as well: It is politically and morally untenable.

Five months ago, 35 of our Republican colleagues in the House, including the distinguished gentleman from Michigan [Mr. SILJANDER] seemed to agree that the time to eliminate apartheid was not 3 years from now but was today. They sent a letter to the South African Ambassador to the United States which was a bold and brilliant statement about the need for action and action now to eliminate apartheid. It was a clarion call for racial justice.

They made it clear that in the absence of real progress toward the elimination of apartheid, they would favor the imposition of sanctions against South Africa.

Let me read to you what they said on that occasion. They said, and I quote:

We are looking for an immediate end to the violence in South Africa accompanied by a demonstrated sense of urgency about ending apartheid. If such actions are not forthcoming, we are prepared to recommend that the U.S. Government take the following two steps: (1) —

The CHAIRMAN. The time of the gentleman has expired.

Mr. WOLPE. I yield an additional 3 minutes to the gentleman.

Mr. SOLARZ. First they said:

Curtail new American investment in South Africa unless certain economic and civil rights guarantees for all persons are in place; and

(2) organize international diplomatic and economic sanctions against South Africa.

In the last 6 months, since that letter was sent and signed by the gentleman from Michigan, the author of this substitute himself, 240 blacks have been killed by the security forces in South Africa, 16 of the leading members of the United Democratic Front have been arrested for high treason. One additional homeland has already, with the approval of the South African Government, set in motion plans for its independence.

Does this sound like the Government of South Africa has demonstrated progress toward the elimination of apartheid?

I call upon the gentleman from Michigan and the other 34 Republican Members of the House who signed that letter to have the courage of

their conviction. If you were in favor of sanctions 6 months ago, in the absence of immediate progress toward the elimination of apartheid, how can you be opposed to the imposition of sanctions today after 240 blacks have been killed and after 16 of the leading advocates of peaceful change in South Africa have been thrown into jail on charges of high treason?

Yet the Siljander substitute walks away from the moral commitment contained in that communication. Instead of calling for sanctions now it calls for the establishment of a commission which will take 3 years to study the situation in South Africa, and perhaps at the end of 3 years, recommend sanctions.

What if they do recommend sanctions? There is no guarantee the House will enact them. There is no guarantee the President will sign them. We do not need to wait another 3 years.

You did not say in your letter, Mr. SILJANDER, that you were looking for an immediate end to the violence in 3 years. You said you were looking for an immediate end to the violence now.

If you had had any idea on the day you sent this letter, that between then and now 240 more blacks would be shot in the back by the security forces of South Africa, would you have said then than you would still be opposed to the imposition of sanctions?

I plead with you, have the courage of your convictions. What you said in December is a bold and brilliant statement; it was a clarion call for justice.

And we join you in the sentiments you expressed on that occasion. I only hope you live up to them now.

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Chairman, the gentleman from Michigan, the author of the substitute, invoked the sainted memory of Dr. Martin Luther King, Jr. in an effort to justify dropping sanctions from the action we take in this House today.

In stating that Dr. King urged all of us to place our feet in the shoes of those who suffered most, let me confirm that the gentleman from Michigan is absolutely right. In fact, on December 10, 1982, at Hunter College in New York on Human Rights Day Dr. King did, in fact, place his feet in the shoes of those who suffered in South Africa; he joined Chief Albert Luthuli in calling upon all people of conscience, all over this world, to support economic sanctions against South Africa.

Indeed, in that historic speech, now 23 years ago, Dr. King said:

The shame of our Nation is that it is objectively an ally of this monstrous Government in its grim war with its own black people.

What was true 23 years ago, Mr Chairman, is unfortunately true today, and Dr. King would say today to Mr. SILJANDER and to all America that if we place our feet in the shoes of the suffering in South Africa, we will support sanctions.

Now the gentleman suggests that instead of supporting sanctions, we should study the matter more, that indeed we should have a commission to look into this matter. He references in his own resolution the fact that a commission did study it in 1981; the Rockefeller commission. It concluded that sanctions such as we are proposing today need to be imposed.

If the gentleman questions that, let me call your attention to the first recommendation of the Rockefeller study, in 1981. It reads in part, that we should "make clear the fundamental and continuing opposition of the U.S. Government and people to the system of apartheid."

Specifically it states that: "Those U.S. corporations in South Africa should not expand their operations, and those not already there should stay out." The Siljander substitute would rob the country of the opportunity to implement a recommendation drafted by a commission that studied for 2 years the system of apartheid in South Africa and concluded 4 years ago that now is the time for us to say to our U.S. corporations: Do not expand your operations there.

If you want to call that a sanction, call it that, and when you call it that, do not invoke the name of Dr. Martin Luther King, Jr., as justification for denying us that opportunity, spoken for it.

Dr. King's address follows:

#### APPEAL FOR ACTION AGAINST APARTHEID

(April 4, 1984 National Armband Day against apartheid and U.S. racism in commemoration of The Reverend Dr. Martin Luther King, Jr.)

Dr. Martin Luther King, Jr. appeals for sanctions against South Africa jointly with Chief Albert J. Luthuli on Human Rights Day, 10 December 1962:

"We, therefore, ask all men of good will to take action against apartheid in the following manner:

"Hold meetings and demonstrations on December 10, Human Rights Day: 'Urge your church, union, lodge, or club to observe this day as one of protest;

"Urge your Government to support economic sanctions;

"Write to your mission to the United Nations urging adoption of a resolution calling for international isolation of South Africa;

"Don't buy South Africa's products;

"Don't trade or invest in South Africa;

"Translate public opinion into public action by explaining facts to all peoples, to groups to which you belong, and to countries of which you are citizens until an effective international quarantine of apartheid is established."

#### CALL FOR AN INTERNATIONAL BOYCOTT OF APARTHEID SOUTH AFRICA

(Statement by the late Reverend Dr. Martin Luther King, Jr. at a meeting at

Hunter College, New York City, on Human Rights Day 10 December 1965.)

Africa has been depicted for more than a century as the home of black cannibals and ignorant primitives. Despite volumes of facts contraverting this picture, the stereotype persists in books, motion pictures, and other media of communication.

Africa does have spectacular savages and brutes today, but they are not black. They are the sophisticated white rulers of South Africa who profess to be cultured, religious and civilized, but whose conduct and philosophy stamp them unmistakably as modern-day bargarians.

We are in an era in which the issue of human rights is the central question confronting all nations. In this complex struggle an obvious but little appreciated fact has gained attention—the large majority of the human race is non-white—yet it is that large majority which lives in hideous poverty. While millions enjoy an unexampled opulence in developed nations, ten thousand people die of hunger each and every day of the year in the undeveloped world. To assert white supremacy, to invoke white economic and military power, to maintain the *status quo* is to foster the danger of international race war . . . What does the South African Government contribute to this tense situation? These are the incendiary words of the South African philosophy spoken by its Prime Minister, Dr. Verwoerd: "We want to keep South Africa white. Keeping it white can only mean one thing, namely, white domination, not 'leadership', not 'guidance', but control supremacy."

The South African Government to make the white supreme has had to reach into the past and revive the nightmarish ideology and practices of nazism. We are witnessing a recrudescence of the barbarism which murdered more humans than any war in history. In South Africa today, all opposition to white supremacy is condemned as communism, and in its name, due process is destroyed; a medieval segregation is organized with twentieth century efficiency and drive; a sophisticated form of slavery is imposed by a minority upon a majority which is kept in grinding poverty; the dignity of human personality is defiled; and world opinion is arrogantly defied.

Once more, we read of tortures in jails with electric devices, suicides among prisoners, forced confessions, while in the outside community ruthless persecution of editors, religious leaders, and political opponents suppress free speech and a free press.

South Africa says to the world: "We have become a powerful industrial economy; we are too strong to be defeated by paper resolutions of world tribunals; we are immune to protest and to economic reprisals. We are invulnerable to opposition from within or without; if our evil offends you, you will have to learn to live with it."

Increasingly, in recent months this conclusion has been echoed by sober commentators of other countries who disapprove, but, nevertheless, assert that there can be no remedy against this formidable adversary of human rights.

Do we, too, acknowledge defeat? Have we tried everything and failed? In examining this question as Americans, we are immediately struck by the fact that the United States moved with strikingly different energy when it reached a dubious conclusion that our interests were threatened in the Dominican Republic. We inundated that small nation with overwhelming force, shocking the world with our zealotness

and naked power. With respect to South Africa, however, our protest is so muted and peripheral it merely mildly disturbs the sensibilities of the segregationists, while our trade and investments substantially stimulate their economy to greater heights. We pat them on the wrist in permitting racially mixed receptions in our Embassy and by exhibiting films depicting Negro artists. But we give them massive support through American investments in motor and rubber industries, by extending some forty million dollars in loans through our most distinguished banking and financial institutions, by purchasing gold and other minerals mined by black slave labour, by giving them a sugar quota, by maintaining three tracking stations there, and by providing them with the prestige of a nuclear reactor built with our technical co-operation and fueled with refined uranium supplied by us.

When it is realized that Great Britain, France and other democratic Powers also prop up the economy of South Africa—and when to all of this is added the fact that the USSR has indicated its willingness to participate in a boycott—it is proper to wonder how South Africa can so confidently defy the civilized world. The conclusion is inescapable that it is less sure of its own power, but more sure than that great nations will not sacrifice trade and profit to oppose them effectively. The shame of our nation is that it is objectively an ally of this monstrous Government in its grim war with its own black people.

Our default is all the more grievous because one of the blackest pages of our history was our participation in the infamous African slave trade of the 18th century. The rape of Africa was conducted substantially for our benefit to facilitate the growth of our nation and to enhance its commerce. There are few parallels in human history of the period in which Africans were seized and branded like animals, packed into ships' holds like cargo and transported into chattel slavery. Millions suffered agonizing death in the middle passage in a holocaust reminiscent of the Nazi slaughter of Jews and Poles, and others. We have an obligation of atonement that is not cancelled by the passage of time. Indeed, the slave trade in one sense was more understandable than our contemporary policy. There was less sense of humanity in the world three hundred years ago. The slave trade was widely approved by the major Powers of the world. The economies of England, Spain, and the U.S. rested heavily on the profits derived from it. Today, in our opulent society, our reliance on trade with South Africa is infinitesimal significance. No real national interest impels us to be cautious, gentle, or a good customer of a nation that offends the world's conscience.

Have we the power to be more than peevish with South Africa, but yet refrain from acts of war? To list the extensive economic relations of the great Powers with South Africa is to suggest a potent non-violent path. The international potential of non-violence has never been employed. Non-violence has been practised within national borders in India, the U.S. and in regions of Africa with spectacular success. The time has come to utilize non-violence fully through a massive international boycott which would involve the USSR, Great Britain, France, the United States, Germany and Japan. Millions of people can personally give expression to their abhorrence of the world's worst racism through such a far-flung boycott. No nation professing a con-



cern for man's dignity could avoid assuming its obligations if people of all States and races were to adopt a firm stand. Nor need we confine an international boycott to South Africa. The time has come for an international alliance of peoples of all nations against racism.

For the American Negro there is a special relationship with Africa. It is the land of the origin. It was despoiled by invaders; its culture was arrested and concealed to justify white supremacy. The American Negro's ancestors were not only driven into slavery, but their links with their past were severed so that their servitude might be psychological as well as physical. In this period when the American Negro is giving moral leadership and inspiration to his own nation, he must find the resources to aid his suffering brothers in his ancestral homeland. Nor is this aid a one-way street. The civil rights movements in the United States has derived immense inspiration from the successful struggles of those Africans who have attained freedom in their own nations. The fact that black men govern States, are building democratic institutions, sit in world tribunals, and participate in global decision-making gives every Negro a needed sense of dignity.

In this effort, the American Negro will not be alone. As this meeting testifies, there are many white people who know that liberty is indivisible. Even more inspiring is the fact that in South Africa itself incredibly brave white people are risking their careers, their homes and their lives in the cause of human injustice. Nor is this a plea to Negroes to fight on two fronts. The struggle for freedom forms one long front crossing oceans and mountains. The brotherhood of man is not confined within a narrow, limited circle of select people. It is felt everywhere in the world; it is an international sentiment of surpassing strength. Because this is true, when men of good will finally unite, they will be invincible.

Through recent anthropological discoveries, science has substantially established that the cradle of humanity is Africa. The earliest creatures who passed the divide between animal and man seem to have first emerged in East and South Africa. Professor Raymond Dart described this historical epoch as the moment when man "trembled on the brink of humanity". A million years later in the same place some men of South Africa are again "trembling on the brink of humanity"; but instead of advancing from pre-human to human, they are revising the process and are travelling backward in time from human to pre-human.

Civilization has come a long way; it still has far to go, and it cannot afford to be set back by resolute, wicked men. Negroes were dispersed over thousands of miles and over many continents, yet today they have found each other again. Negro and white have been separated for centuries by evil men and evil myths. But they have found each other. The powerful unity of Negro with Negro and white with Negro is stronger than the most potent and entrenched racism. The whole human race will benefit when it ends the abomination that has diminished the stature of man for too long. This is the task to which we are called by the suffering in South Africa, and our response should be swift and unstinting. Out of this struggle will come the glorious reality of the family of man.

Mr. WOLPE. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in opposition to the Siljander Study Commission amendment, and in support of H.R. 1460 as reported. Mr. Chairman, I voted, together with a majority of my colleagues on the House Foreign Affairs Committee, to report H.R. 1460, introduced by the gentleman from Pennsylvania [Mr. GRAY], which the pending amendment seeks to change.

The bill as reported calls for strong action against the apartheid policy of the Government of South Africa, and provides incentives—in the form of the reduction of sanctions—to that country to terminate its oppressive policies. At the same time, the bill's provisions are designed to avoid damaging the interests of innocent blacks and other minorities living under apartheid. On the other hand, the amendment, while well-intended, simply does not provide for sufficiently strong action in the near term, and may well send the wrong signal to the South African Government.

Mr. Chairman, I believe it is important that the United States do everything in its power to move the South African Government away from its current policies. It seems inevitable that if those policies do not change, the result will be increased bloodshed in that troubled land. By adopting this bill, to the degree we are able to advance the day that apartheid is ended, we will contribute to peace and to the saving of human life.

Accordingly, Mr. Chairman, I urge the defeat of the pending Siljander substitute amendment and the passage of H.R. 1460 as originally reported.

□ 1320

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. I thank the gentleman for yielding.

Mr. Chairman, hopefully, today the House will complete consideration of H.R. 1460, the Antipartheid Act of 1985. I think it is essential that Members have a clear idea of how certain substitutes to the legislation might affect the message that the bill's authors had hoped to send.

Mr. Chairman, the substitute that is being offered by the gentleman from Michigan and the one that will be offered by the gentleman from Wisconsin, although well intended, fall far short of where the House shall align itself on this particular issue. Both substitutes establish commissions to look at the apartheid dilemma. These panels would meet for 2 and 3 years respectively to study the effects of apartheid and then would make recommendations on sanctions. The sanctions which would then be available to the panel are strikingly similar to the sanctions in H.R. 1460 which would

bring about immediate change both in this country and in South Africa.

As the House considers these substitutes, we ought to ask ourselves how strongly we feel about this issue. Are we too comfortable on this side of the Atlantic to remember the segregationist policies of the deep South from our not too far distant past? Have we become so contented in our own position that we can sit back and watch a repeat of our own ugly history? These substitutes, Mr. Chairman, although well meaning, are simply a continuation of the present policy of constructive engagement.

Mr. Chairman, the adoption of this substitute or the substitute offered by the gentleman from Wisconsin put us an additional 2 or 3 years behind in trying to eliminate such racist practices. It is time that this body make a statement in the strongest possible terms against apartheid. Although in my heart I believe that total divestiture would be the best way to bring about change—that is why I will support the amendment that will be offered by the gentleman from California [Mr. DELLUMS]—I am realistic to the hardship this would place on black South Africans. Bishop Tutu himself supports economic pressure on the South African Government, to be followed by total divestment if apartheid is not eliminated in 2 years.

I am afraid that further study on this matter will become an excuse for further inaction. We have spent a great deal of time in this Chamber talking about and debating this particular issue. Today the House has the opportunity to place significant hardship on South Africa without advocating total divestment. The measure would let the South African Government know that we are serious about this matter, and I urge my colleagues to join with me today in passing H.R. 1460 and also rejecting this substitute and the substitute that will be offered right afterward.

Mr. WOLPE. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, first, I would like to commend the chairman of our subcommittee, his predecessor as chairman, the gentleman from New York, the gentleman who is the chief sponsor of this legislation, Mr. GRAY, as well as my other colleagues who, long before the issues of constructive engagement and apartheid in South Africa, were on the front pages of our Nation's newspapers, were fighting on these issues persistently and relentlessly and effectively. Perhaps now we are approaching a time when the policy of constructive engagement might end and the United States may place itself firmly on the side of forceful opponents of apartheid. Perhaps at last the United States is going to do

more than just simply rhetorically denounce this pernicious system.

I would also like to speak against the substitute amendment and the substitute to follow and focus primarily on one aspect, that of the legislation's prohibition on the export of computers, computer technology, software and servicing and maintenance of computers to the South African Government and to its regional and local entities.

At one point in the debate on this legislation it appeared that there might be an amendment to delete that language, and much of what I wish to say now I would have raised on the debate on that amendment. But since it appears the Senate Foreign Relations Committee legislation is going to contain somewhat different language and that this will be an issue for a conference committee to consider, I think it is important to lay a foundation for that prohibition, and I might point out that the gentleman from Michigan, in his comments in favor of his substitute, never spoke to the specific sanction of the prohibition on computer sales.

Why delay the imposition of that type of sanction or the imposition of the sanction on bank loans? I have heard no justification or logic for delaying implementation of these specific sanctions.

In South Africa, the computers make apartheid work. By the prohibition contained in this legislation, we are demonstrating that we do not want the United States and U.S. companies to profit from apartheid.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. I appreciate the gentleman's yielding.

Mr. Chairman, I just want to ask the gentleman a question. If he supports the banning of the computers, and you look at the fact that Japan has recently increased their sale of computers by some 400 percent since 1977 to South Africa, does the gentleman think that by our banning the sale of computers we are going to prevent the Government of South Africa from getting computers?

Mr. BERMAN. I would reclaim my time in order to answer the gentleman's very relevant question. I would put it into this context: At the present time, the United States supplies 70 percent of the computers that go to South Africa. Those computers are used directly in the implementation and in the enforcement of apartheid policies. Those computers are utilized in the classification of people by race and the classification of people who lead protests against apartheid in South Africa. They are an instrument of enforcement of apartheid in South

Africa. And U.S. computers are directly involved in that whole process.

Look back to what happened with the arms embargo on South Africa. Initially, the United States took the step alone. We then prevailed and gradually saw to it that the rest of the Western World ended up going along with our arms embargo on South Africa. We made it a much broader multilateral approach. My hope and my goal is that when this legislation passes, and these sanctions go into effect, the United States would go to the Security Council of the United Nations, to our NATO allies, to Japan and take this prohibition that the United States will have enacted unilaterally and say, "Is this not at least a minimal standard of conduct to expect of our other Western allies?" And I believe we can prevail and we can seriously affect the ability of South Africa to enforce its apartheid system through the utilization of sophisticated computer technology.

Mr. SILJANDER. Mr. Chairman, will the gentleman yield for a question?

Mr. BERMAN. I yield to the gentleman from Michigan.

Mr. SILJANDER. I would just like to know what would prohibit Japan or another country, as they have been since 1976, increasing their share of the market from simply filling the void, thereby putting absolutely no pressure on the South African Government at all.

Mr. BERMAN. What prohibits the Western European arms industry from selling arms to South Africa? The fact is that it was a series of patient and relentless efforts by the United States, after it enacted its arms embargo, to get other countries to undertake that same position.

Mr. SILJANDER. But will the gentleman answer the question regarding Japan?

The CHAIRMAN. The time of the gentleman from California [Mr. BERMAN] has expired.

Mr. WOLPE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I want to pay tribute to my distinguished ranking minority member, the gentleman from Michigan [Mr. SILJANDER]. Whatever differences we have on the amendment that the gentleman from Michigan has offered—and the differences are obviously rather dramatic—I believe that the letter that was sent earlier by a number of my Republican colleagues, to which he was a signatory, made a very important contribution to the debate on South Africa and to an alteration in the political climate within this body with respect to that subject.

Moreover, while we differ on how to approach the issue of South Africa, my ranking minority member has been very cooperative in moving this legisla-

tion through to this point on the House floor, and I want to express my appreciation to him for that assistance.

□ 1330

Mr. Chairman, as we have listened to this debate on South Africa over the past few days, it has become clear that those who advocate a continuation of the policy of constructive engagement or who, in more general terms, resist the imposition of economic sanctions against South Africa, make certain assumptions that are more implicit than explicit, but, I think, need to be laid bare.

The first of those assumptions is that South Africa is very much like the United States, and that we can project onto the South Africa situation America's own experience with race and racism and our own experience, indeed, with the civil rights movement.

Mr. Chairman, that was an assumption that I used to make. In my previous life, I happened to have been a professor of African politics; I thought I knew something about the subject. It was only when I traveled to South Africa myself that I discovered how incorrect that set of assumptions really was. Because South Africa is in fact very different. There are two key differences that need to be understood in order to appreciate how destructive the policy of constructive engagement has been.

The first of those key differences is that South Africa is a totalitarian police state. Now, when Americans think about South Africa, we tend to project onto the South African experience what we know about our own history with discrimination, with segregation, with racial inequality. And when you travel to South Africa, you see that discrimination very clearly manifested in every respect, in every way. But the thing you are unprepared for is the totalitarian nature of the police state.

I still recall traveling to Soweto, the black township outside of Johannesburg, and being informed by blacks who were resident in Soweto that it was their estimate that 1 out of 10 blacks living in this township were police spies. Why? Because it turns out that many of the women and children who live in the black township of Soweto, who have come there to join their husbands that are working in the mines, are themselves there illegally, and if they do not cooperate with the police, they are immediately subject to deportation to the so-called homelands. They have got to cooperate.

You cannot imagine what it is like to have a police system that penetrates into the very fabric of the society; into the neighborhoods, into the homes. It is difficult to comprehend the sense of



distrust, the sense of disorganization, the sense of paranoia that is part and parcel of the life of the black South African every day. South Africa is a totalitarian police state. Unless we comprehend that, the effort to project onto that experience our own evolutionary democratization will yield enormously tragic consequences.

There is a second difference no less significant. In the United States, whites are the majority; blacks were the minority. In South Africa, the majority-minority relationships are reversed. Whites are a minority, desperate to hold onto their privilege, their power. Denying to the majority of the population even a semblance of human dignity, even a semblance of basic political rights. Unless we understand that the reversal of the majority-minority relationships inevitably creates a different political dynamic, we are going to develop a foreign policy and continue a foreign policy that will again produce very counter-productive consequences.

There is a second assumption underlying those who would resist sanctions and would support the amendment of my distinguished colleague from Michigan. That is that somehow economic and social change lead inexorably to political liberalization and to democratization. We are told repeatedly that we need to encourage the process of industrialization and that American economic activity in South Africa will further that process and promote political reform at the end of the line.

Do we not only have to look to the experience of Nazi Germany, to the experience of Stalinist Russia, indeed, to the experience of South Africa to see that that kind of assumption is blatantly false? In all of those instances there has been progressive industrialization, economic and social change, and greater repression; not democratization; not political liberalization.

I am not saying that the American companies involved in South Africa are not making a constructive contribution to desegregated workplaces and to the process of economic change, but that what is happening in those workplaces is essentially irrelevant to the process of political change, and that the gut issue that we are facing in the struggle against apartheid is not a struggle for economic improvement; it is not a struggle even for desegregated workplaces. The struggle against apartheid is a struggle for political rights.

Blacks, the vast majority of the population in South Africa, are asking for nothing less and nothing more than the right to participate in the political decisions that affect their lives on a daily basis.

Third, there are those who are arguing against sanctions and for the approach taken by the Siljander amend-

ment, who insist that sanctions are going to hurt those who we are seeking to help: The black population.

Indeed, they go even further. The Washington Post editorial today suggested that those who are advocating sanctions are really not very sensitive to the prospective suffering that might be created on the part of the black population. Nothing could be further from the truth. The tragic reality is that the policy of constructive engagement, however it may have been intended, is in fact producing more suffering, more violence, and more repression. That is very simply because the message that has been heard by the Afrikaner regime is simply that they now have a much freer hand to do what they will; not only internally, I might say, inside the country of South Africa, but in the region. They know in advance, because that has been administration policy, that no matter how much repression there is, no matter how much aggression the South African Government unleashes against the neighboring states in the region, there will be no cost in terms of the American-South African relationship. They know in advance that they are free to engage in that kind of repression. What we have really signaled to them through constructive engagement is that the system of apartheid can be maintained indefinitely into the future without any real cost, without any real isolation in terms of the international community, or without any real economic costs in terms of their relationship to the United States.

So that it is current policy that is adding to the violence; it is the ambiguity of our policy. We verbally condemn apartheid on the one hand, but then we engage in business as usual. What we do at that point is to reinforce the more intransigent elements of the South African Government in the belief that they can hold on indefinitely, without any consequences, any response, from the United States.

Those of us who are advocating now the application of sanctions do so because of our profound belief that that is the only way of mitigating the violence. Only at the point at which the South African Government understands that it cannot continue the present system without real economic and political costs, do we have a possibility that the Government will countenance a political negotiation leading to a new political order and to genuine power sharing on the part of all the elements of the South African population.

It is current policy that is adding to the violence. It is the imposition of sanctions that will help us possibly avert some of that bloodshed that we can anticipate down the road if the South African Government does not

move immediately to begin the process of dismantling apartheid.

Let me say finally that I hope that the administration will listen carefully to what has happened in this body the past couple of days and what is happening in the other body. There is an emerging bipartisan consensus that understands that constructive engagement has enormously destructive consequences.

I hope the administration, rather than responding defensively and dig in its heels, will be responsive to the bipartisan consensus. Look at the margin of the votes that occurred yesterday. Look at the vote that will take place on final passage today, the bipartisan majority that will be for the placement of immediate sanctions. I hope the administration will respond to that opportunity and join with the Congress in forging a new foreign policy toward South Africa that will at one and the same time advance the process of change in South Africa and be consistent with American national interests in the region. We cannot afford to be perceived as on the side of or entering into an accommodation with apartheid. We would, at the same time, be advancing a policy that is genuinely consistent with American national values.

□ 1340

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan [Mr. SILJANDER].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. SILJANDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 310, not voting 15, as follows:

[Roll No. 1371]

#### AYES—108

Archer	Fawell	Lowery (CA)
Arney	Fiedler	Lujan
Badham	Fields	Lungren
Barnard	Franklin	Marlenee
Bartlett	Gekas	McCollum
Barton	Gingrich	McEwen
Bateman	Goodling	McMillan
Bentley	Grothberg	Michel
Billrakis	Gunderson	Miller (OH)
Broomfield	Hall, Ralph	Monson
Broyhill	Hammerschmidt	Montgomery
Burton (IN)	Hansen	Moore
Campbell	Hartnett	Moorhead
Chandler	Hendon	Morrison (WA)
Cheney	Henry	Myers
Cobey	Hillis	Nichols
Coble	Holt	Nielson
Combest	Hunter	Oxley
Craig	Hyde	Packard
Daniel	Kemp	Parris
Dannemeyer	Kindness	Pashayan
Daub	Kolbe	Petri
Davis	Kramer	Quillen
DeWine	Lagomarsino	Rogers
Dickinson	Leath (TX)	Roth
Dornan (CA)	Livingston	Rowland (CT)
Dreier	Loeffler	Schuetz
Eckert (NY)	Lott	Schulze

Shaw  
Shumway  
Shuster  
Siljander  
Skeen  
Slaughter  
Smith (NE)  
Smith, Denny

Smith, Robert  
Solomon  
Spence  
Stangeland  
Strang  
Stump  
Sundquist  
Swindall

Taylor  
Thomas (CA)  
Vander Jagt  
Vucanovich  
Walker  
Whitehurst  
Wolf  
Young (FL)

Skelton  
Smith (FL)  
Smith (IA)  
Smith (NH)  
Smith (NJ)  
Snowe  
Snyder  
Solarez  
Spratt  
St Germain  
Staggers  
Stark  
Stenholm  
Stokes  
Stratton  
Studds  
Swift  
Synar  
Tallon

Tauke  
Tauzin  
Thomas (GA)  
Torres  
Torricelli  
Towns  
Traficant  
Traxler  
Udall  
Valentine  
Vento  
Visclosky  
Volkmmer  
Walgren  
Watkins  
Waxman  
Weaver  
Weber  
Weiss

Wheat  
Whitley  
Whittaker  
Whitten  
Williams  
Wirth  
Wise  
Wolpe  
Wortley  
Wright  
Wyden  
Wylie  
Yates  
Yatron  
Young (AK)  
Young (MO)  
Zschau

#### NOES—310

Ackerman  
Addabbo  
Akaka  
Alexander  
Anderson  
Andrews  
Annunzio  
Anthony  
Applegate  
Aspin  
Atkins  
AuCoin  
Barnes  
Bates  
Bedell  
Bellenson  
Bennett  
Bereuter  
Bermer  
Bevill  
Biaggi  
Bliley  
Boehlert  
Boggs  
Boland  
Boner (TN)  
Bonior (MI)  
Bonker  
Borski  
Bosco  
Boucher  
Boulter  
Boxer  
Breaux  
Brooks  
Brown (CA)  
Brown (CO)  
Bruce  
Bryant  
Burton (CA)  
Bustamante  
Callahan  
Carney  
Carper  
Carr  
Chappie  
Clay  
Clinger  
Coats  
Coelho  
Coleman (MO)  
Coleman (TX)  
Collins  
Conte  
Conyers  
Cooper  
Coughlin  
Courter  
Coyne  
Crane  
Crockett  
Darden  
Daschle  
de la Garza  
DeLay  
Dellums  
Derrick  
Dicks  
DioGuardi  
Dixon  
Donnelly  
Dorgan (ND)  
Dowdy  
Downey  
Duncan  
Durbin  
Dwyer  
Dymally  
Dyson  
Early  
Eckart (OH)  
Edgar  
Edwards (CA)  
English  
Erdreich

Evans (IA)  
Evans (IL)  
Fasell  
Fazio  
Feighan  
Fish  
Flippo  
Florio  
Foglietta  
Foley  
Ford (MI)  
Ford (TN)  
Fowler  
Frank  
Frost  
Fuqua  
Gallo  
Garcia  
Gaydos  
Gejdenson  
Gephardt  
Gibbons  
Gilman  
Glickman  
Gonzalez  
Gordon  
Gradison  
Gray (IL)  
Gray (PA)  
Green  
Gregg  
Guarini  
Hall (OH)  
Hamilton  
Hatcher  
Hayes  
Hefner  
Heftel  
Hertel  
Hiller  
Hopkins  
Horton  
Howard  
Hoyer  
Hubbard  
Hubbady  
Hughes  
Hutto  
Ireland  
Jacobs  
Jeffords  
Jenkins  
Johnson  
Jones (NC)  
Jones (OK)  
Jones (TN)  
Kanjorski  
Kaptur  
Kasich  
Kastenmeier  
Kennelly  
Kildee  
Klaczka  
Kolter  
Kostmayer  
LaFalce  
Lantos  
Latta  
Leach (IA)  
Lehman (CA)  
Lehman (FL)  
Leland  
Lent  
Levin (MI)  
Levine (CA)  
Lewis (CA)  
Lewis (FL)  
Lightfoot  
Lipinski  
Lloyd  
Long  
Lowry (WA)  
Luken  
Lundine  
Mack

MacKay  
Madigan  
Manton  
Martin (IL)  
Martin (NY)  
Martinez  
Matsui  
Mavroules  
Mazzoli  
McCain  
McCandless  
McCloskey  
McCurdy  
McDade  
McGrath  
McHugh  
McKernan  
McKinney  
Meyers  
Mica  
Mikulski  
Miller (CA)  
Miller (WA)  
Mineta  
Mitchell  
Moakley  
Mollinari  
Mollohan  
Moody  
Morrison (CT)  
Mrazek  
Murphy  
Murtha  
Natcher  
Neal  
Nelson  
Nowak  
O'Brien  
Oakar  
Oberstar  
Obey  
Olin  
Ortiz  
Owens  
Panetta  
Pease  
Penny  
Pepper  
Perkins  
Pickle  
Porter  
Price  
Pursell  
Rangel  
Ray  
Regula  
Reid  
Richardson  
Ridge  
Rinaldo  
Ritter  
Robinson  
Rodino  
Roe  
Roemer  
Rose  
Roukema  
Rowland (GA)  
Roybal  
Rudd  
Russo  
Sabo  
Savage  
Saxton  
Schaefer  
Scheuer  
Schneider  
Schroeder  
Schumer  
Seiberling  
Sensenbrenner  
Sharp  
Shelby  
Sikorski  
Sisisky

#### NOT VOTING—15

Byron  
Chappell  
Dingell  
Edwards (OK)  
Emerson

Frenzel  
Hawkins  
Markey  
Rahall  
Roberts

Rostenkowski  
Slattery  
Stallings  
Sweeney  
Wilson

#### □ 1350

Messrs. JONES of Oklahoma, SMITH of New Hampshire, and WRIGHT changed their votes from "aye" to "no."

Mr. PASHAYAN and Mr. DICKINSON changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

#### □ 1400

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. GUNDERSON: Strike all after the exacting clause and insert in lieu thereof the following:

#### TITLE I—GENERAL PROVISIONS

##### FINDINGS AND DECLARATIONS

SECTION 1. The Congress finds and declares that—

(a) the policy and practice of apartheid—  
(1) deliberately separates millions of South African "migrant" workers from their families;

(2) denies meaningful, democratic participation in the political process to the majority of the South African population;

(3) consigns the mass of South African citizenry to lives of economic and educational deprivation;

(4) denies black citizens of South Africa the right to travel freely within their own country;

(5) leads to the arbitrary government confiscation of the private property legally owned by black South African nationals;

(6) tries to deprive many South African citizens of South African citizenship;

(b) the policy and practice of apartheid is repugnant to the moral and political values of democratic and free societies, and runs counter to United States policies to promote democratic governments throughout the world and respect for human rights; and

(c) it is the policy of the United States to promote peaceful change in South Africa through diplomatic means, but also, where necessary and appropriate, through the

adoption of other measures, in conjunction with our allies, in order to reinforce United States opposition to apartheid.

#### DEFINITIONS

SEC. 2. As used in this Act—

(1) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States; or

(B) a corporation, partnership, or other enterprise if—

(i) natural persons who are nationals of the United States own or control, directly or indirectly, more than 50 per centum of the outstanding voting securities;

(ii) natural persons who are nationals of the United States own or control, directly or indirectly 25 per centum or more of the voting securities, and natural persons of another nationality do not own or control as equal or larger percentage;

(iii) any natural person who is a national of the United States operates the corporation, partnership, or enterprise pursuant to the provisions of an exclusive management contract;

(iv) a majority of the members of the board of directors are also members of the comparable governing body of corporation or legal entity organized under the laws of the United States, any State or territory thereof, or the District of Columbia;

(v) natural persons who are nationals of the United States have authority to appoint the chief operating officer; and

(2) the term "South Africa" refers to the territory that constituted the Republic of South Africa on May 31, 1961.

#### SCHOLARSHIP FOR BLACK SOUTH AFRICANS

SEC. 3. SECTION 105(b) OF THE FOREIGN ASSISTANCE ACT OF 1961 IS AMENDED—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Beginning with the fiscal year 1986, and for each fiscal year thereafter, \$15,000,000 of assistance provided under this section by the Administrator of the agency primarily responsible for administering this part of this Act shall be used to finance scholarships for black South Africans who are attending universities, colleges, and secondary schools in South Africa and who are selected in accordance with subparagraph (B). Of the funds available under the preceding sentence to carry out this subparagraph, not less than \$5,000,000 shall be available only for assistance to full-time teachers or other educational professionals pursuing studies toward the improvement of their professional credentials.

"(B) Individuals for whom scholarships are financed under subparagraph (A) shall be selected by a national panel or by regional panels composed solely of members of the teaching profession appointed by the United States chief of diplomatic mission to South Africa. No such individual may be selected through any contract entered into with the agency primarily responsible for administering this part of this Act."

#### HUMAN RIGHTS FUND

SEC. 4. Section 116(e)(2)(A) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1984 and" and inserting in lieu thereof "1984";

(2) by inserting after "1985" a comma and the following: "and \$1,500,000 for the fiscal year 1986, and for each fiscal year thereafter"; and



(3) by adding at the end thereof the following: "Grants under this paragraph shall be made by the Assistant Secretary for Human Rights and Humanitarian Affairs."

#### EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY

SEC. 5. (a) The Congress declares—

(1) that the denial under the apartheid laws of South Africa of the rights of South African blacks and other nonwhites to have the opportunity to participate equitably in the South African economy as managers or owners of, or professionals in, business enterprises, and

(2) the policy of confining South African blacks and other nonwhites to the status of employees in minority-dominated businesses is an affront to the values of a free society.

(b) The Congress hereby—

(1) applauds the commitment of nationals of the United States adhering to the principles set forth in section 10 to assure that South African blacks and other nonwhites are given assistance in gaining their rightful place in the South African economy; and

(2) urges the United States Government to assist in all appropriate ways the realization by South African blacks and other nonwhites of their rightful place in the South African economy.

(c) The Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 per centum beneficial ownership by South African blacks or other nonwhite South Africans.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

SEC. 6. Section 237(a) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "(a) Insurance" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2), insurance"; and

(2) by adding at the end thereof the following:

"(2) Insurance, reinsurance, and guaranties of loans may be issued to cover an investment made in connection with a project in South Africa, notwithstanding the absence of an agreement with the Government of South Africa, if such investment is otherwise eligible under this title, except that—

"(A) the issuance of any such insurance, reinsurance, or guaranty shall only be made to promote joint ventures between business enterprises controlled or owned by South African blacks or other nonwhite South Africans and business enterprises controlled or owned by United States nationals; and

"(B) the national of the United States holds a minority interest or agrees to relinquish its majority interest during the course of the joint venture."

#### EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 7. Section 2(b)(9) of the Export-Import Bank Act of 1945 is amended—

(1) by striking out "(9) In" and inserting in lieu thereof "(9)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end thereof the following:

"(B) The Bank shall take active steps to encourage the use of its facilities to guarantee, insure, extend credit, or participate in the extension of credit to business enterprises in South Africa that are majority owned by South African blacks or other nonwhite South Africans. The certification requirement contained in clause (C) of subparagraphs (A) shall not apply to exports to

or purchases from business enterprises which are majority owned by South African blacks or other nonwhite South Africans."

#### LABOR PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA

SEC. 8. (a) It is the sense of the Congress that the labor practices used by the United States Government—

(1) for the direct hire of South Africans, (2) for the reimbursement out of official residence funds of South Africans and employees of South African organizations for their employment services on behalf of the United States Government, and (3) for the employment services of South Africans arranged by contract,

should represent the best of American labor practices and should serve as a model for the labor practices of nationals of the United States in South Africa.

(b) Notwithstanding any other law, the Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall promptly take the necessary steps to ensure that the labor practices applied to the employment services described in paragraphs (1) through (3) of subsection (a) are governed by the principles set forth in section 10.

#### EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS IN SOUTH AFRICA

SEC. 9.

(a) STATEMENT OF POLICY.—It is the sense of the Congress that any national of the United States who—

(1) has a branch or office in South Africa, or

(2) controls a business enterprise in South Africa, should implement, in the operation of such branch, office, or business enterprise, those principles relating to employment practices set forth in section 10.

(b) SANCTIONS.—

(1) APPLICABILITY.—The sanctions set forth in paragraph (2) shall apply to any national of the United States who—

(A) has a branch or office in South Africa, or

(B) controls a business enterprise in South Africa,

in which more than 20 people are employed, and who does not implement the principles set forth in section 202 in the operation of that business enterprise.

(2) SANCTIONS.—With respect to any national of the United States described in paragraph (1)—

(A) no department or agency of the United States may—

(i) enter into any contract with,

(ii) make any loan, issue any guaranty of a loan, or issue any insurance to,

(iii) provide any counseling on economic or political risks to, or

(iv) intercede with any foreign government or any national regarding the foreign investment or export marketing activities in any country of,

that national; and

(B) that national may not receive any credit or deduction under the Internal Revenue Code of 1954 for any income, war profits, or excess profits paid or accrued to South Africa.

(c) No department or agency of the United States may intercede with any foreign government or any national regarding the export marketing activities in any country of any national of the United States employing more than twenty persons in South Africa that is not implementing the principles relating to employment practices in

South Africa set forth in section 10. No such national may make any new investment in the Republic of South Africa. The Secretary of State shall promulgate such regulations as are necessary to implement this section.

#### STATEMENT OF PRINCIPLES

SEC. 10. (a) The principles referred to in sections 8 and 9 of this Act are as follows:

(1) Desegregating the races in each employment facility, including—

(A) removing all race designation signs; (B) desegregating all eating, rest, and work facilities; and

(C) terminating all regulations which are based on racial discrimination.

(2) Providing equal employment for all employees, including—

(A) assuring that any health, accident, or death benefit plans that are established are nondiscriminatory and open to all employees, on an equitable basis; and

(B) implementing equal and nondiscriminatory terms and conditions of employment for all employees, and abolishing job reservations, job fragmentation, apprenticeship restrictions for blacks and other nonwhites, and differential employment criteria, which discriminate on the basis of race or ethnic origin.

(3) Establishing equally pay for all employees doing equal work, including—

(A) establishing and implementing, as soon as possible, a wage and salary structure which is applied equal to all employees, regardless of race, who are engaged in equal work;

(B) reviewing the distinction between hourly and salaried job classifications, and establishing and implementing an equitable and unified system of job classifications which takes into account such review; and

(C) eliminating inequities in seniority and in-grade benefits so that all employees, regardless of race, who perform similar jobs are eligible for the same seniority and in-grade benefits.

(4) Establishing a minimum wage and salary structure based on a cost-of-living index which takes into account the needs of employees and their families.

(5) Increasing, by appropriate means, the number of blacks and other nonwhites in managerial, supervisory, administrative, clerical, and technical jobs for the purpose of significantly increasing the representation of blacks and other nonwhites in such jobs, including—

(A) developing training programs that will prepare substantial numbers of blacks and other nonwhites for such jobs as soon as possible, including—

(i) creating on-the-job training programs and facilities to assist employees to advance to higher paying jobs requiring greater skills;

(B) establishing procedures to assess, identify, and actively recruit employees with potential for further advancement;

(C) identifying blacks and other nonwhites with high management potential and enrolling them in accelerated management programs;

(D) establishing and expanding programs to enable employees to further their education and skills at recognized education facilities; and

(E) establishing timetables to carry out this paragraph.

(6) Taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health, including—

(A) providing assistance to black and other nonwhite employees for housing, health care, transportation, and recreation either through the provision of facilities or services or providing financial assistance to employees for such purposes, including the expansion or creation of in-house medical facilities or other medical programs to improve medical care for black and other nonwhite employees and their dependents, and

(B) participating in the development of programs that address the education needs of employees, their dependents, and the local community.

(7) Recognizing labor unions and implementing fair labor practices, including—

(A) recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity;

(B) refraining from—

(i) interfering with, restraining, or coercing employees in the exercise of their rights of self-organization under this paragraph,

(ii) dominating or interfering with the formation or administration of any labor organization or sponsoring, controlling, or contributing financial or other assistance to it,

(iii) encouraging or discouraging membership in any labor organization by discrimination in regard to hiring, tenure, promotion, or other condition of employment,

(iv) discharging or otherwise disciplining or discriminating against any employee who has exercised any rights of self-organization under this paragraph, and

(C) allowing employees to exercise rights of self-organization, including solicitation of fellow employees during nonworking hours, allowing distribution and posting of union literature by employees during nonworking hours in nonworking areas, and allowing reasonable access to labor organization representatives to communicate with employees on employer premises at reasonable times;

(D) allowing employee representatives to meet with employer representatives during working hours without loss of pay for purposes of collective bargaining, negotiation of agreements, and representation of employee grievances;

(E) regularly informing employees that it is company policy to consult and bargain collectively with organizations which are freely elected by the employees to represent them; and

(F) utilizing impartial persons mutually agreed upon by employer and employee representatives to resolve disputes concerning election of representatives, negotiation of agreements or grievances arising thereunder, or any other matters arising under this paragraph.

(b) The Secretary of State may issue guidelines and criteria to assist persons who are or may be subject to this section in complying with the principles set forth in subsection (a) of this section. The Secretary may, upon request, give an advisory opinion to any person who is or may be subject to this section as to whether that person is subject to this section or would be considered to be in compliance with the principles set forth in subsection (a).

(c) The Secretary of State may promulgate such regulations as the Secretary may deem necessary to implement the provisions of this Act. The Secretary may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena

the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation. The Secretary may require all persons referred to in subsection (a) to register with the Department of State.

(d) Any person who willfully violates any rule or regulation issued under this section or who willfully, in a registration statement or report required by the Secretary, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$1,000,000 or imprisoned not more than two years, or both.

(e) In carrying out functions under this section, the President is authorized to exercise the same powers concerning violations and enforcement which are conferred upon departments, agencies and officials by subsections (c), (d), (e), and (f) of section 11 of the Export Administration Act of 1979, and by subsections (a) and (c) of section 12 of such Act, subject to the same terms and conditions as are applicable to such powers under such Act. Nothing in this subsection shall be construed as authorizing the withholding of information from the Congress.

(f) Notwithstanding any other provision of law, the Secretary may enter into contacts with one or more private organizations or individuals to assist the Secretary in implementing this section.

#### POLICY ON ECONOMIC SANCTIONS

SEC. 11. (a) It shall be the policy of the United States to impose economic sanctions against the Government of South Africa if, within two years of the date of enactment of this section, significant progress has not been made toward ending the policy of apartheid.

(b) The President may waive sanctions contained in subsection (a) of this section for a period of not more than 12 months if—

(1) the President determines that one or more of the conditions as set forth in subsection (d) of this section are met,

(2) the President submits that determination to the Congress, and

(3) a joint resolution is enacted approving the President's determination.

(c) The President may waive the sanctions contained in subsection (a) of this section for an additional 6-month period if, before each such waiver—

(1) the President determines that an additional condition set forth in subsection (d) has been met since the preceding waiver under this subsection became effective,

(2) the President submits that determination to the Congress, and

(3) a joint resolution is enacted approving the President's determination.

(d) STATEMENT OF CONDITIONS.—The conditions referred to in subsections (b) and (c) are the following:

(1) FAMILY HOUSING NEAR PLACE OF EMPLOYMENT.—The Government of South Africa has eliminated the system which makes it impossible for black employees and their families to be housed in family accommodations near the place of employment.

(2) RIGHT TO SEEK EMPLOYMENT.—The Government of South Africa has eliminated all policies that restrict the rights of black people to seek employment in South Africa and to live wherever they find employment in South Africa.

(3) ELIMINATING DENATIONALIZATION.—The Government of South Africa has eliminated all policies that make distinctions between the South African nationality of blacks and whites.

(4) ELIMINATING REMOVALS.—The Government of South Africa has eliminated removals of black populations from certain geographic areas on account of race or ethnic origin.

(5) ELIMINATING RESIDENCE RESTRICTIONS.—The Government of South Africa has eliminated all residence restrictions based on race or ethnic origin.

(6) NEGOTIATIONS FOR NEW POLITICAL SYSTEM.—The Government of South Africa has entered into meaningful negotiations with truly representative leaders of the black population for a new political system providing for the full national participation of all the people of South Africa in the social, political, and economic life in that country and an end to discrimination based on race or ethnic origin.

(7) SETTLEMENT OF NAMIBIA.—An internationally recognized settlement for Namibia has been achieved.

(8) FREEING POLITICAL PRISONERS.—The Government of South Africa has freed all political prisoners.

#### "REPORT OF THE PRESIDENT"

"SEC. 12. (a) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate March 1, 1987 and every six months thereafter, a report on the extent to which significant progress has been made toward ending the system of apartheid, including—

(1) a detailed assessment of the extent to which the Government of South Africa has made progress in—

(A) housing black workers with their families;

(B) abolishing the pass laws which prevent blacks from moving freely into the cities;

(C) terminating the migrant labor system;

(D) allowing unrestricted labor union rights for all; and

(E) increasing local investment in black education and training;

(2) a statement of any conclusions drawn by the Inter-Allied Working Group on South Africa;

(3) a determination by the President as to whether significant progress has been made in achieving the purposes described in clauses (A) through (E) of paragraph (1); and

(4) if the President determines under paragraph (3) that significant progress has not been made, a recommendation as to which of the following sanctions should be imposed:

(A) A ban on new commercial investment in South Africa.

(B) A ban on new bank loans to the Government of South Africa.

(C) A ban on the importation of South African Kruggerands.

(D) A ban on the sale of computers to the central Government of South Africa.

#### TITLE II—UNITED STATES COMMISSION ON SOUTH AFRICA

##### SEC. 201. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the "United States Commission on South Africa" (hereinafter in this title referred to as the "Commission").

##### SEC. 202. DUTIES OF COMMISSION.

(a) STUDY AND REPORT ON PROGRESS AGAINST APARTHEID.—The Commission shall conduct an ongoing study of, and shall report to the Congress on, the progress that the Government of South Africa has made—



(1) in eliminating the system of apartheid; and

(2) toward the full participation of blacks and other nonwhites in the social, political, and economic life in South Africa.

The Commission shall also study the economic and political relations between the United States and South Africa.

(b) **FOCUS OF STUDY.**—In carrying out subsection (a), the Commission shall—

(1) with respect to the progress toward eliminating apartheid, pay particular attention to the termination of—

- (A) the Group Areas Act;
- (B) the Pass Laws;
- (C) the Influx Control Act;
- (D) the Mixed Marriages Act;
- (E) the Immorality Act;
- (F) the homelands policy; and
- (G) the detention of persons without due process of law; and

(2) with respect to the goals referred to in subsection (a)(2), pay particular attention to the involvement of recognized representatives of the black and nonwhite population in South Africa in achieving these goals, including the convening, as soon as possible, by the Government of South Africa of a national congress, composed of all pro-democratic groups in South Africa, to establish a timetable for granting full citizenship to blacks and other nonwhites in South Africa.

(c) **SCHEDULE OF STUDY AND REPORTS.**—

(1) **STUDY.**—The Commission shall conduct the study under subsection (a) during the 2-year period beginning on the date of the enactment of this Act.

(2) **REPORTS.**—The Commission shall submit interim reports to the Congress at the end of each 6-month period beginning on the date of the enactment of this Act. Not later than the end of the 2-year period beginning on the date of the enactment of this Act, the Commission shall submit a final report to the Congress. The final report shall contain—

(A) a determination by the Commission of whether the Government of South Africa has made substantial progress toward the goals set forth in paragraphs (1) and (2) of subsection (a), and

(B) if the Commission determines under subparagraph (A) that substantial progress has not been made, a recommendation as to which of the following should be imposed:

- (i) A ban on new commercial investment in South Africa.
- (ii) A ban on new bank loans to the Government of South Africa.
- (iii) A ban of the sale of computers to the Government of South Africa.
- (iv) Changes in diplomatic relations with South Africa.

#### SEC. 203. MEMBERSHIP.

(a) **NUMBER AND APPOINTMENT.**—

(1) **IN GENERAL.**—The Commission shall be composed of 15 members, as follows:

(A) The chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(B) The chairman and ranking minority member of the Committee on Foreign Relations of the Senate.

(C) The chairman and ranking minority member of the Subcommittee on Africa of the Committee on Foreign Affairs of the House of Representatives.

(D) The chairman and ranking minority member of the Subcommittee on Africa of the Committee on Foreign Relations of the Senate.

(E) Seven members appointed by the President from among persons knowledgeable in South African affairs, as follows:

(i) One member shall be an officer of the Department of State.

(ii) One member shall be an officer of the Department of Commerce.

(iii) One member shall be an officer of the Department of the Treasury.

(iv) Four members shall be appointed from among persons who are not officers or employees of any government who are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(2) **DESIGNATION OF SUBSTITUTES.**—If any member referred to in paragraph (1)(A) or (1)(B) is the same individual as a member referred to in paragraph (1)(C) or (1)(D), then the individual shall designate another member of the Committee on Foreign Affairs or Foreign Relations, as the case may be, to serve as a member of the Commission.

(3) **FILLING OF VACANCIES.**—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(b) **CONTINUATION OF MEMBERSHIP.**—If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he or she may continue as a member of the Commission for not longer than the 60-day period beginning on the date he or she leaves that office or becomes such an officer or employee, as the case may be.

(c) **TERMS.**—Members shall be appointed for the life of the Commission.

(d) **BASIC PAY.**—

(1) **FOR NON-GOVERNMENT EMPLOYEES.**—Except as provided in paragraph (2), members of the Commission shall serve without pay, but shall be allowed travel or transportation expenses, including per diem in lieu of subsistence, to the same extent as employees serving intermittently in the Government Service are allowed such expenses under section 5703 of title 5, United States Code.

(2) **FOR GOVERNMENT EMPLOYEES.**—Members of the Commission who are full-time officers or employees of the United States or Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e) **QUORUM.**—Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) **CHAIRMAN.**—The Chairman and Vice Chairman of the Commission shall be elected by the members of the Commission.

(g) **MEETINGS.**—The Commission shall meet at the call of the Chairman or a majority of its members.

#### SEC. 204. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) **STAFF.**—The Commission may appoint and fix the pay of such additional personnel as it considers appropriate.

(b) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapters III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(c) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and inter-

mittent services under section 3209(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(d) **STAFF OF FEDERAL AGENCIES.**—Upon the request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

#### SEC. 205. POWERS OF COMMISSION.

(a) **HEARINGS AND SESSIONS.**—The Commission may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) **POWERS OF MEMBERS AND AGENTS.**—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) **OBTAINING OFFICIAL DATA.**—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon the request of the Chairman or Vice Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) **ADMINISTRATIVE SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(g) **SUBPOENA POWER.**—

(1) **IN GENERAL.**—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) **REFUSAL TO OBEY A SUBPOENA.**—If a person issued a subpoena under paragraph (1) refuses to obey such subpoena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) **SERVING OF SUBPOENAS.**—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) **VENUE OF PROCESS.**—All process of any court to which application may be made under this section may be served in the judi-

cial district in which the person required to be served resides or may be found.

(h) IMMUNITY.—No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpoena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which such individual is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

#### SEC. 206. TERMINATION.

The Commission shall cease to exist 90 days after submitting its final report pursuant to section 412(c).

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 174, the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

Is the gentleman from Michigan [Mr. WOLPE] opposed to the amendment in the nature of a substitute?

Mr. WOLPE. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan will be recognized for 30 minutes.

At this time the Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON] for 30 minutes.

Mr. GUNDERSON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, let me begin by commending the chairman of the subcommittee for his commitment to change in South Africa. I think there ought to be no doubt in this House, or anywhere in the country, that all of us have the same intent. We must try to change the policy of the Government of South Africa. The problem in the debate that we are incurring this afternoon is a debate on strategy, how best might we achieve that goal.

We must ask ourselves, do we want to simply make moral statements that make us feel good or do we actually want to enact policies that can contribute to constructive change? Do we want to help the blacks in South Africa or do we simply want to punish the whites in that country?

Our goal must and ought to be to contribute to constructive change, not to conduct a litmus test on civil rights legislation here in the United States. I shudder to think that this may be simply a debate where people are voting on the title of the bill, not the substance.

I have introduced a substitute which is very, very similar to that which has been enacted by the Foreign Relations Committee in the other body with only two small differences. If you are to give my substitute a title, it would be this is not immediate sanctions, this is conditional investment. We do what Bishop Tutu, we do what the Washington Post, we do what others have called for, we encourage investment by the United States in South Africa during the short term. Business is more progressive than the Government of South Africa and American business is more progressive than South African business. Thus we see that as a tool toward constructive change.

The first difference between the Gray proposal and my substitute is that his proposal is a negative one. It simply imposes sanctions. Mine is a positive proposal. My substitute asks, how can we help bring about change? My proposal offers \$15 million in scholarships for black South Africans and \$1.5 million in grants under the AID Human Rights Fund for the black South African cause. We provide insurance, reinsurance and guarantees of loans through OPIC for blacks and other nonwhite South African business. We provide the extension of credits through the Export-Import Bank and other such institutions for blacks and other nonwhite South Africans. We try to make positive contributions to the black and nonwhite population of South Africa.

The second thing we do, which the Gray bill does not, is to require American companies involved in business in South Africa to adhere to the Sullivan principles, not just give the option. We require them to do it and we impose a penalty. We impose a major penalty of \$1 million for anyone who willfully violates the Sullivan principles. I think that is the way we want to go.

The third element of my proposal is what we call economic sanctions or conditional investment. We say that it will be the policy of the United States to impose economic sanctions on the Government of South Africa if at the end of 2 years positive substantial progress has not been made toward ending the policy of apartheid in South Africa.

How is that going to be done? At the end of 2 years if the President certifies, or in reality if the State Department certifies, that progress has not been made, then the policy of sanctions becomes the policy of the Government of the United States. The President can implement through Executive order or Congress can enact at that point in time exactly what those sanctions would be.

The next element of my particular proposal is similar to that of the gentleman from Michigan [Mr. SILJANDER] which creates a U.S. Commission

on South Africa. Why do we do that? We do that because many of my colleagues on the other side of the aisle are going to be hesitant to simply allow the administration, the present State Department, the present administration to determine whether or not progress is being made in eliminating apartheid in South Africa.

What we really do is set up a commission to keep each other honest, a commission appointed bipartisan from the leadership of the House and the Senate to keep the President and the State Department honest and vice versa. That is the purpose of the commission under our particular proposal.

Now let us compare again the differences then, in reality between the Gray proposal and my particular substitute. The Gray proposal offers immediate sanctions banning new bank loans. What is that going to do? If we ban new bank loans, presently we have \$400 million of bank loans to the purchasers of U.S. products, all it does is increase our present trade deficit, something I would suggest most of the American unions would be opposed to.

Second, it simply penalizes South African firms which have no legal role in enforcing apartheid. If you will look at every chamber of commerce in South Africa, every one of those chambers of commerce, black, white, Afrikaaner, et cetera, all have statements opposed to the policy of apartheid.

The Gray substitute also calls for a ban on the sale of computers to the government. Will that have any effect on the South African Government? Of course not. Since 1977, Japanese sale of computers to South Africa has increased some 400 percent. They are not going to stop using computers; they are only going to buy them from Japan rather than the United States. So we effectively eliminate our role and our opportunity in trying to bring about constructive change, and we do nothing in terms of bringing about that change.

□ 1410

I would like to go on and recite the remarks of Bishop Tutu.

Mr. BERMAN. Will the gentleman yield?

Mr. GUNDERSON. I would like to finish my remarks first.

I would like to go on at this point in time and refer to the remarks of Bishop Tutu, a person who I think is clearly perceived as the moral leader of the blacks in South Africa. Bishop Tutu said on February 3, when he enthroned as the head of the Anglican Church, and I would like to quote:

May I point out that I have not as yet advocated disinvestment. Up to now I have called for international pressure, diplomatic, political, but above all economic, to persuade the South African Government to go to the conference table with the authentic



representatives of all sectors of our community.

Now, he goes on then and explains the kinds of economic pressure:

There is economic pressure used through things such as the different codes to seek to improve the lot of black workers—

The Sullivan principles—

Our concern is not for an amelioration of improvement of the apartheid dispensation. It is to see apartheid dismantled. Consequently I have said that we must all work together to see that goal achieved.

Now listen to this:

I have actually called for an increased foreign investment on stringent conditions—that black workers are housed as family units near the place of work of the breadwinner—no migratory labor, the unionization of the black worker, the only real reform we have had, and for which the government must be commended—thus the worker would be free to sell his labor wherever he pleases, so no influx control that applies only to blacks, massive investment in black education and training, an end to the denationalization of blacks and to forced population removals. These conditions should be implemented within 18 to 24 months. The onus is on the government. I give notice that if in 18 to 24 months from today apartheid has not been dismantled or is not being actively dismantled, then for the first time I will myself call for punitive economic sanctions.

If we were to adopt and to pass in this House a proposal under the guidelines set forth by Bishop Tutu in his speech on February 3, my substitute would be that proposal. It tells the Government of South Africa, it tells the business community of South Africa, if you want American investments in the future, my proposal meets the criteria.

I would only go on to suggest, as the gentleman from Michigan before me, take a look at today's Washington Post. It says not immediate sanctions. It says conditional investment. It says take some action which can contribute to change.

My substitute will do just that.

Mr. LARGOMARSINO. Will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from California.

Mr. LARGOMARSINO. Mr. Chairman, as we debate the important questions of whether to approve this legislation and whether disinvestment will in fact bring about the desired end to apartheid, there are several facts which all of us must face. Let me excerpt just a few of these facts from a recent editorial in the Christian Science Monitor, written by Dimitri Simes, a senior associate of the Carnegie Endowment for International Peace.

First, "the United States has neither the power nor will to assure a peaceful evolution in South Africa which would lead to multiracial harmony." Second, "is there any punishment the U.S. can inflict upon South Africa or any incentive it can offer which would persuade

whites to accept black majority rule? Probably not." Simes goes on to say that "moreover, the record of black African states does not inspire any confidence that, once the whites surrender power, their minimal rights would be respected." Surely the authors and supporters of this resolution would not suggest that we end apartheid only to have it replaced by another vicious regime that refuses to respect the rights of its people.

Mr. Simes also states that:

An economic warfare against South Africa would probably have just the opposite impact (rather than encouraging responsible trends, it would encourage dangerous trends). Conservative critics of the Botha government would wrap their opposition to any concession to blacks in a banner of patriotism. And blacks, simultaneously encouraged by American support and deprived of opportunities of American companies, would become further radicalized. That is a prescription for confrontation, not accommodation.

I couldn't agree with him more. Mr. Chairman, the United States has been and should continue to be a force for positive, constructive change in South Africa—not a promoter of disinvestment, which would have the exact opposite effect of that which we seek.

It is unfortunate, but a fact nonetheless, that this legislation would have the contrary effect of reducing the U.S. corporate presence as a positive and important—not to mention visible and appreciated—force for the elimination of apartheid in that country. Today, over 150 U.S. companies, accounting for over 80 percent of the employees of all affiliates of U.S. companies in South Africa, voluntarily support the Sullivan Principles. This effort does much more than improve the well-being of the small fraction of the total South African labor force working for U.S.-owned enterprises. The presence of these companies is in my mind an unquestionable force for progress and a strong indication of U.S. support for measures to eliminate these aspects of apartheid which we find most discriminatory and unjust. To forceably evict these companies would be folly, and insure that the United States plays less of a role in future South African society.

I also share Mr. Simes' view that the U.S. policy of constructive engagement is not a perfect answer. I think all of us would agree with this—that there has not been as much progress in South Africa as desired. Mr. Simes continues, however, that:

There are no perfect answers in dealing with this tragic dilemma. Any leverage—short of sanctions—to persuade President Botha and his associates to expedite long overdue reforms is a political and ethical imperative. Yet nobody appointed the United States to become the moral policeman of the world. We should not be shy in communicating America's extreme disapproval of Pretoria's repugnant repression. But with all its sins, South Africa is not Nazi Germa-

ny reincarnated. If we launch an economic war against it, what are the implications for dealing with such oppressors as Zimbabwe, Iraq, or the U.S.S.R.?

Mr. Chairman, the facts before us today do not signal that either U.S. interests or the South African blacks' interests, would be justly served by approving this legislation. While the legislation may prove appealing to some on moral or ethical grounds, let us not delude ourselves into thinking that this legislation will in any measurable fashion alter apartheid. It will not. The United States should strongly make known its repugnance to apartheid, to the Pretorian regime. But to approve this legislation, and insure our inability to control the outcome, may very well be a prescription for trouble.

Let me now offer my views in support of rational and forward-looking alternatives. These are the substitute amendments offered by my good friend and colleague from Michigan, [Mr. SILJANDER] and my colleague from Wisconsin [Mr. GUNDERSON].

The amendments, Mr. Chairman, state plainly, that apartheid runs against the principles of civilized nations, debases human dignity, and is repugnant to U.S. values. They reaffirm our policy in opposition to apartheid, and states that the United States seeks to promote change in South Africa through peaceful means.

Furthermore, they recognize that U.S. objectives can best be served by directing U.S. influence toward building institutions that will enable South Africans to challenge apartheid, and declares that to that end, the United States supports an impartial judicial system, free trade unions, and full participation of all the people of South Africa in the social, political, and economic life of that country.

The Siljander amendment would also establish a United States Commission on South Africa, which would conduct a thorough study on the progress the Pretorian regime is making in: First, eliminating the system of apartheid, and second, encouraging full participation of blacks and other nonwhites in the social, political and economic life in South Africa. The Commission would report directly to the Secretary of State and the Congress on their findings, and would issue a final report after 3 years.

In addition, the amendment would require all U.S. companies and foreign business enterprises operating in South Africa employing more than 20 persons to adopt the principles embodied in the Sullivan codes. Compliance with these principles would be mandatory. It would also support trade unions, establish a human rights fund, and increase in number and type

scholarships available to black South Africans.

Mr. Chairman, I believe we have an historic opportunity today to not only express our strong opposition to apartheid in South Africa, but to serve as a force for positive change in that important nation. I am certain that none of us would deny the importance of that nation to the West, nor would we deny that the Soviets would like nothing better than to continue their inroads in Southern Africa. We can insure that the United States remains a positive influence on the South African regime, and assists the legitimate aspirations of those fighting for peaceful change in that country. I strongly urge my colleagues to support the Siljander and Gunderson amendments to H.R. 1460.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I now yield to my friend from California.

Mr. BERMAN. I thank the gentleman for yielding.

The gentleman indicated in his comments once again, as he did when he was speaking earlier on the Siljander substitute, essentially that the ban on computer sales and export of computer sales will have no effect. I would like the gentleman to consider for a moment a few of the facts surrounding South Africa's use of U.S. computers, because it is not quite as fungible as the gentleman would make it appear to be.

A number of very sophisticated computers are now utilized by the South African Government, the Department of Statistics, local and regional Bantu Administration Boards to enforce the pass laws, to enforce the whole process of limiting where blacks in South Africa can live. They are covered by contracts that involve the providing of software, of continued maintenance, and continued service of those computers, long-term contracts.

The bill we are considering and which you seem to substitute your language for, affects those contracts. I would suggest to the gentleman—

The CHAIRMAN. The gentleman from Wisconsin has consumed 10 minutes.

Mr. GUNDERSON. Mr. Chairman, I yield myself 1 additional minute for the purposes of a response.

I appreciate the gentleman's remarks. I would like to simply respond with one thing. We are not going to eliminate the use of computers if we pass the Gray bill and impose a sanction prohibiting the sale of computers to South Africa.

First of all, many computers that are there will stay there. Anyone who is a specialist in computer software and technology understands the whole system.

Second, what is going to happen is that Japan and other computer spe-

cialists are simply going to come in and take over the market, so that in and of itself is not going to change it.

Likewise, the Gray bill provides for a 1-year delay in any of those sanctions which are proposed by the President. So what is going to happen? In both cases sanctions can occur. My proposal simply calls for some positive investments during the 1- or 2-year delay.

I yield back the balance of my time.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. Not at this point.

Mr. WOLPE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I rise in very strong opposition to the substitute amendment that has been offered by my distinguished colleague from the State of Wisconsin [Mr. GUNDERSON]. The Gunderson substitute is virtually the Siljander amendment in slightly modified form, but it is essentially the same amendment. It raises the same issue as was raised by the amendment by my colleague from Michigan; namely, do we wish at this point to impose sanctions against South Africa, or are we going to continue current policy, which is to delay the application of sanctions. Because the essential thrust of the Gunderson amendment is to essentially delay any imposition of economic sanctions directed against South Africa.

I am not going to repeat the arguments that in my view require the rejection of this amendment because I think they were spelled out very clearly in the course of the debate on the Siljander amendment. This is essentially the same thing.

I do, however, want to take this opportunity, if I may, to just respond to some of the observations, some of the characterization that has been made of the position of Bishop Tutu with respect to the legislation that is before the House today, and particularly with respect to the substitute amendment that has been proposed by the gentleman from Wisconsin.

I have met with Bishop Tutu personally on several occasions over the past several years, both in South Africa and this country. Bishop Tutu has in fact recently testified before the Subcommittee on Africa.

At no point in any of those conversations has Bishop Tutu ever suggested for a moment his opposition to the application of economic pressures against South Africa. Moreover, he has affirmed his very strong support for the effort that is in process, to the very strong movement that is in process, the free South Africa movement designed to produce the kinds of economic pressures that are embodied in the legislation offered by the gentleman from Pennsylvania [Mr. GRAY].

Bishop Tutu, as the gentleman from Wisconsin noted in his own observa-

tions in the well just a moment ago, specifically has opposed the Sullivan code. Let me quote for a moment from testimony of Bishop Tutu before our committee last December.

"I have gone on to say that I do not, in fact, support the Sullivan code. While it has brought about some changes, improvements for some black workers, the basic weakness is that it is ameliorative, merely making things slightly more comfortable. Somebody has said we don't want our chains made comfortable, we want our chains removed."

To the extent that the substitute amendment by the gentleman from Wisconsin [Mr. GUNDERSON] embodies an affirmation of the importance of the Sullivan code, it is simply inappropriate to use Bishop Tutu as supportive of the approach taken by the gentleman from Wisconsin. Bishop Tutu is explicitly opposed to that approach. Bishop Tutu has gone on to say, again using the very quotation of the gentleman from Wisconsin, that he supports conditional investment. He has never said that he opposes economic pressure.

The Gray legislation before this body calls precisely for the kind of conditional investment approach that Bishop Tutu has himself described. What the Gray legislation does is to stipulate that there will be certain economic sanctions—no new investment and no importation of Krugerrands—imposed immediately which can however, be waived if each of the elements of the apartheid system are stripped away, and there is time permitted to allow reasonable progress to be made in a way that would be both steady and make sense. It would be achievable in a practical time frame.

So it is the Gray legislation the embodies the approach of Bishop Tutu, regarding condition of investment.

Finally let me say that when the gentleman from Wisconsin and other Members have cited Bishop Tutu in opposing legislation that would deal with economic pressure, what Bishop Tutu was referring to was disinvestment. He has said that he has not yet advocated publicly disinvestment. The legislation before us does not call for disinvestment.

□ 1420

It calls for no new investment. I might add that Bishop Tutu himself pointed out before our committee that South African law makes it illegal to call for disinvestment. I say that because I think it is important to understand the full context of Bishop Tutu's remarks which certainly unintentionally might lead some to a very different construction of their significance than is in fact accurate.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?



Mr. WOLPE. I would be pleased to yield 1 additional minute if I may because I want to limit myself here.

Mr. GUNDERSON. I thank the gentleman for yielding.

I do not think anybody on this side suggested that the Gray bill is a disinvestment bill. I never suggested that. I think however that while both sides might claim that Bishop Tutu was on their side, and I guess we understand both sides trying to do that, I would suggest that we look at the rhetoric, the exact words which Bishop Tutu has called for. He has called for increased foreign investment under stringent conditions. That is totally different than imposing immediate sanctions.

I think you cannot disagree with that.

Mr. WOLPE. If I may reclaim my time, increased economic development becomes possible under the Gray legislation if the kinds of conditions to which Bishop Tutu refers are in fact met. We do not preclude the possibility of additional investment. All that has to happen is that the South African Government must begin to take the steps to dismantle the system of apartheid.

Mr. Chairman, I yield 6 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. I thank the chairman for yielding.

Mr. Chairman, I commend my colleagues, Congressman BILL GRAY, chairman of the Budget Committee, and Congressman HOWARD WOLPE, chairman of the Foreign Affairs Subcommittee on Africa, for the outstanding work that they have done on this legislation. I rise in opposition to the Gunderson substitute and in strong support of H.R. 1460.

The efforts of Congressmen GRAY and WOLPE to reach a consensus as to how human rights principles can be practically converted into elements of U.S. influence in the affairs of other nations, particularly in this case of course, South Africa, are reflected in the bill now before the House.

Mr. Chairman, for the past 5 years the administration has not been sensitive to the plight of those subjected to government oppression and the human rights aspect of the situation in South Africa has not been taken sufficiently into account in shaping the bilateral relationship with that nation.

Neutrality or delay, in my opinion, on such an issue is not an alternative. I suggest to the Members of the House that the substitute before us is in fact a proposal for further delay. That, I do not believe is acceptable.

The United States must consider the long-term implications of its present relationship with South Africa. Most agree that one way or another the walls of apartheid will be torn down.

The longer those walls remain standing, the more violent will be the means to bring them down. And we should not be supplying the mortar which sustains those walls.

There exists a basic and fundamental disagreement with South Africa over apartheid. On that point we seem to be in agreement in a bipartisan manner. The sponsor of this substitute has spoken eloquently and in agreement with the chairman on that particular issue. No longer, therefore, should we merely regret South Africa's legal framework. We must step beyond rhetoric. We need to give substance to our disagreement; we must not hesitate at this time.

Ultimately the United States cannot, as has been observed on this floor, eradicate apartheid. However, the bill before us, H.R. 1460, is a policy option which acknowledges that internal actions by the South African Government will provide the main impetus to change. It offers a means by which the United States can disassociate itself strongly, directly, and unequivocally from apartheid and furthermore pressures South Africa to move in a positive direction toward full political rights for all in South Africa.

The chairman spoke earlier in opposition to the Siljander substitute about the fact that this bill seeks political rights for all human beings in South Africa. This is an issue of fundamental concern to America.

South Africa stands within sight of a cataclysmic racial civil war. There is, I suggest to you, particularly when we are considering a substitute that wants a further delay, limited time for change. Black patience with achieving reform is understandably running out. We must not make the mistake of underestimating the depth of feeling and anger of the black community at continued humiliation, degradation, and denial.

The killings of the last 16 months, including the slayings of at least 19 people during a funeral march on the 25th anniversary of the Sharpeville demonstrations, reflect a deeper and dangerous mood. It is one of intransigence versus frustrated demands and rights. As the grievances mount and as a younger generation becomes encased in the shattered dreams of their parents and harsh confrontation, the violence surely will increase.

Mr. Chairman, not too long ago, a great man of vision appealed to the conscience of America. Rev. Martin Luther King, Jr., perhaps in a moment of frustration, perhaps as a warning, stated, and I quote:

For years now we have heard the word "wait!" It rings in the ear of every Negro with piercing familiarity.

Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "wait." But when you have seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers

at whim; when you have seen hate-filled policemen curse, kick, and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty in the midst of an affluent society . . . When you are forever fighting a degenerating sense of "nobodiness"—then you will understand why we find it difficult to wait.

Mr. Chairman, H.R. 1460 urges the Government of South Africa to seek accommodation with 22 million of its own citizens denied the inherent dignity that all men and women throughout the world should have. It is a reasonable bill and a timely measure. I strongly urge my colleagues to support the Anti-Apartheid Act of 1985 and to reject the pending substitute, however well meaning, that in fact says "Wait."

Mr. GUNDERSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding.

Mr. Chairman, I think that this body, I think that this Government must speak out in the loudest, most constructive way possible in its abhorrence of apartheid. There are many speeches that have been made over the last few days and in the sessions that preceded this particular one on this particular bill. I find myself in just about total agreement with all the speakers. I find the encouraging part about this debate is that we are all unified in what we want to do. We want to bring democracy to South Africa. We would like to use the influence of the United States in the most constructive way possible to see that this happens.

□ 1430

And this is why I believe that the substitute that is before us right now brings the best of all amendments and all substitutes together in one bill, because what it brings about is the added influence of the United States, its ideals and its objectives in a constructive manner, the constructive manner in order to bring change to South Africa.

The most destructive thing that we could do to the black man in South Africa would be to disinvest.

Now I know that the bill before us at this moment does not call for disinvestment, even though I believe a substitute that will be offered afterwards would, but I think to bring about economic hardship in any way, whether it be a freeze upon investment or whether it be disinvestment, is going to bring about the hardest hardship, the worst hardship, among those we are trying to help.

That is the poorest of the poor of South Africa; that is the black South African.

Only in an expanded economy are there going to be new jobs, are there

going to be responsible jobs, jobs in management which the United States has led the way in South Africa. Only in that way will they be offered to the black South Africans.

For us to in any way try to isolate South Africa among the family of nations throughout the world would bring about a galvanization of a corrupt apartheid that none of us want to bring about.

If we were to isolate South Africa in the world, then the only way to change would be violent revolution, and this is something that none of us would want to advocate, nor would we want the blood of such a revolution on our hands.

I believe what has been offered is the most constructive, progressive approach that we could possibly use at this time, but it is most important that we as the leading democracy in the world today do all we can to bring about the democratization of all of South Africa as well as any nation in the world today.

I believe that we have a responsibility. I believe that we have an opportunity with this substitute to bring about this change, and for us to be a vital part of that change.

I recently returned from South Africa, and I was very encouraged to see the contribution that American business had made to the life of the black South African, and these are the ones that need the help. These are the ones that need the American example; and it is through American involvement in South Africa that we can set the example which they will see would be to their best advantage to follow, and will bring about economic prosperity and hopefully political prosperity to black South Africa.

Mr. WOLPE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, the gentleman from Wisconsin, in arguing in favor of his substitute, attempted to characterize the legislation before us, with its waiver provisions, as in a sense simply a shorter period of time than his own delay before the imposition of sanctions.

I think the gentleman from Wisconsin inadvertently characterized this legislation in mistaken fashion. Only two of the sanctions are affected by the waiver provisions. The sanctions related to no new investments in South Africa, and sanctions related to the importation of the Krugerrand.

I think there is a categorical differentiation between those sanctions which are part of an effort to bring economic pressure on the South African regime to change its system of apartheid and the other two sanctions; that is, the ban on the export of computers and the prohibition on bank loans to the South African Government, which are efforts to weaken

South Africa's ability to enforce apartheid.

Those provisions are not subject to waiver; the waiver provisions which apply to the other two sanctions are not simply delay sanctions until such time as some commission reports, but they are sanctions which only can be delayed upon a Presidential certification that one of the conditions set forth in the bill has been achieved, and second, that Congress by joint resolution has approved of that determination.

In addition, the gentleman from Wisconsin argues over and over again, as have others who have taken that position, why ban computers? The Japanese will just fill the void.

The fact is that this country, time and time again has made its decisions on sanctions in large part based simply on the fact of whether the sanctions were justified, and when this administration imposed sanctions and prohibited exports of potassium fluoride to Iraq, because Iraq was using that chemical to manufacture nerve gas, there was no belief that Iraq could not find this chemical from some other country; what this country was saying through this administration's unilateral action was, we are not going to play a role in that particular heinous act by supplying the chemicals.

The companies that manufactured those chemicals approved of those sanctions, because it provided them and insulated them from liability for the contracts they had to provide Iraq for those particular chemicals.

I suggest that the computer industry in this country, when it sits back and looks at the effect of these sanctions which we seek to impose will say, thank you for helping us avoid having to do business and fulfill contracts that help make apartheid work.

I ask for a "no" vote on the substitute amendment.

Mr. GUNDERSON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. ZSCHAU].

Mr. ZSCHAU. I thank the gentleman for yielding.

Mr. Chairman, I would like to clarify for this body the fact that under current regulations and current industry practice, U.S. computer manufacturers are not selling computers to the major agencies of the South African Government that administer and enforce apartheid.

If the substitute of the gentleman from Wisconsin were implemented and current practices continue, that restraint in selling such computers to support apartheid would continue as well.

Mr. BERMAN. Will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman.

Mr. BERMAN. My understanding of the present situation is that in fact,

certain levels of computers are sold to South African agencies which enforce apartheid including local and regional boards, which implement policies of segregation, and that the administration has specifically decontrolled personal computers to the South African Government, including agencies that support apartheid.

Mr. GUNDERSON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, there was some discussion earlier today about a letter that was written by conservatives with regard to apartheid and what its implications were to this particular debate, and I think that that discussion to some extent misrepresented the situation.

Because I believe that the approach taken by Mr. SILJANDER and now by Mr. GUNDERSON is precisely in line with what we detailed in a letter that I was one of the primary authors of, back in December, where we said as conservatives that we think that it is important in order to speak out against apartheid and to act against apartheid, that we begin the process of curtailing new investment and that we move toward diplomatic and economic sanctions that made some sense.

That was essentially the key paragraphs of that particular bill, or that particular letter.

The Gunderson approach moves us in that direction. What I somewhat resent in the debate is the idea that to have spoken out then locks you in to taking some approach which is a singular approach.

I think the Washington Post makes very good sense this morning when it says that there may be other approaches that make more sense than the approach being taken by the majority on this issue.

□ 1440

Well, in this case, the approach that makes some sense is the Gunderson approach because what you have there is an attempt to utilize American business in a way which causes positive movement within the country. We have heard a lot of discussion about people who have been to South Africa and have seen the situation there and have come to their own conclusions. Well, Mr. GUNDERSON has been to South Africa. I think his bill and his approach grew out of his visit to South Africa. I know that the South Africans that I have talked to in my office, to a man, who are anti-apartheid, have said flatly that they agree with this approach, an approach of mandatory Sullivan rather than disinvestment.

Now, I realize that there are folks who are saying, "Well, there is nothing



ing about disinvestment in the approach that the majority has brought to the Hill."

Well, let me just ask a question: The people who are parading out in front of the South African Embassy or the people who are demonstrating on the campuses with the signs that read "Disinvest now," would they be more supportive of the approach brought to us by the majority or the approach brought to us by Mr. GUNDERSON? My guess is that the majority is attempting in their bill to appeal to precisely that political sentiment.

Now, the one that comes the closest and is the most honest approach to that particular sentiment is the amendment to be offered by our colleague from California [Mr. DELLUMS], and that is certainly the approach that they would most agree with. But my point is that I think that the disinvestment forces, who sincerely believe that, also have some problem with the Gunderson approach because it is the true conditional investment aspect. And I think that if you believe, as I do, that South Africa will be well served and the majority of South Africans will be well served by a policy that positively moves us toward creating better economic conditions that rapidly, then empowers black citizens economically and then politically, that the approach that will do that is the Gunderson-type approach.

So I applaud him for bringing that particular amendment to the floor. I intend to support that substitute and I intend to support that substitute confident that it meets precisely the standards of the letter that conservatives put together in December. We think that that was a statement worthwhile. This would be a step worthwhile in fulfilling that statement.

Mr. GUNDERSON. Mr. Chairman, I yield 5½ minutes to the gentleman from Michigan [Mr. SILJANDER], the distinguished ranking minority member of the subcommittee.

Mr. SILJANDER. I thank the gentleman for yielding, and I rise in strong support of his substitute.

I think it is important in the course of the debate, as we to some degree pooh-poohed the Sullivan principles and what they have really done for blacks in South Africa, to look over the record. As a matter of fact, 2 weeks ago I was challenged by Mr. CONYERS of Michigan on the figure I gave that since 1977 \$100 million has flowed into black education, health, housing and other programs from U.S. firms who are signatory to Sullivan. I was asked, "Where do those figures come from, and can you give me a breakdown?" And I am more than thrilled to do so today.

In education and training for Sullivan employees, for example, in 1982,

4,295 participated; in 1983, 13,369, a total of \$6 million.

Blacks in training programs, 5,544 in 1982; in 1983, 6,942.

Blacks as a percent of total in supervisory and management categories—it is important that we talk about upward mobility and training blacks for management leadership skills—in 1979, the percent was 16.7 percent; in 1983, it was 21.2 percent, even with the severe recession in South Africa.

Scholarship and tuition refund programs, in 1979, 5,077 participated; in 1983, over 35,000 participated. Before the recession, nearly 68,000 participated.

Advancement training, in 1979 there were 9,298; now there are over 50,000.

Non-Sullivan employees involved in training programs, blacks, 22,000 in 1983, spending an amount of nearly \$3 million.

Adopt-a-school program, under Sullivan signatories, there were 96 such adopt-a-school programs in 1980; there were 200 in 1983, and the goal is 1,000.

These are things that help the upward mobility for blacks. This is a forum, a positive, progressive forum, to help blacks begin dismantling that vicious apartheid system.

Financial contributions for education and training in 1978 was \$1.2 million. And in 1983 it was \$13.3 million, an elevenfold increase.

Health care, \$2.4 million.

Small business development, \$4.2 million.

And, to quote Mr. Sullivan, in an area I think is of vast importance, "the Sullivan signatories have been involved in helping change the political climate and the conditions in that country."

He says, "Many top signatory executives serve on executive committees of influential South African commerce and industry organizations. Three such organizations"—and he lists them—"have issued public statements in opposition to such proposed legislation as the orderly movement and settlement of black persons bill, intended to further limit the right of blacks to choose their place of residence. As a result," says Mr. Sullivan, "of strong and unified opposition from these organizations, as well as from some political parties, this bill was withdrawn."

Mr. Sullivan, in a recent article in the Washington Times, said not only are there 125,000 employees under U.S. firms under Sullivan but 1 million blacks, approximately 1 million people, most of them are blacks, he said are under signatory to the Sullivan code that are South African-owned companies that have nothing or little to do with U.S. firms except they follow the U.S. leadership.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding.

The gentleman quoted Dr. Leon Sullivan, who is a constituent of this Member of the House.

Mr. SILJANDER. I am well aware of that.

Mr. GRAY of Pennsylvania. Dr. Sullivan has been writing an op-ed piece on this very subject.

I wonder if the gentleman did not also read in any of these op-ed pieces where Dr. Sullivan says:

Meanwhile, there must be a moratorium on all American economic expansion in South Africa until apartheid is officially ended. There should be no new investments, no bank loans to the South African Government or its agencies and an end to the sale of Krugerrands—

Mr. SILJANDER. I would like to regain my time to say that I have read the article, I am familiar with the article. It is certainly politically astute and sensitive on his part. He is a copastor, and he is a constituent, he certainly put the disclaimer at the end of his article. I think it was certainly sensitive and appropriate for him to do so.

But I would like to quote Mr. Sullivan, to summarize my remarks, your constituent, who says:

We have made more progress in this regard—

Regarding black progress—

in those 7 years—educating our black brothers, providing job training and higher paying jobs and supervisory jobs, and management jobs, improving the medical care and health programs, providing decent housing, doing all of the things the Sullivan signatory companies have committed to do. I'm proud of the job the U.S. companies have done and are doing in South Africa. But it's not enough, and I keep saying to the companies we must do more, more, more . . . We must move faster, faster, faster . . .

And that is precisely why this substitute is important, to make those principles mandatory for new and existing businesses.

● Mr. MONTGOMERY. Mr. Chairman, I have supported the Siljander and Gunderson amendment because it does not hinder economic growth as the committee bill does.

It seems if you slow down economic growth it takes away jobs for blacks and other low-income persons.

The best way to erode apartheid is to improve the economy of this country and not to stop investments in South Africa.

By accepting this bill we will be, in effect, taking away our leverage of getting decent human rights in South Africa.

So it doesn't make good sense to just pull out of South Africa. To fight apartheid, I think, there are other ways to do it.

Mr. GUNDERSON. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 4½ minutes.

Mr. GUNDERSON. Mr. Chairman, let me begin by commending my colleague from Pennsylvania for offering this particular piece of legislation. I think he shares the feeling of every Member of this Congress and every person in this country who wants to change what is going on in South Africa. I offer you this afternoon what I believe is a thoughtful, intellectual, constructive alternative. I believe it is a better strategy to achieve the common goals which are held by every American.

I have almost no blacks in my district. I am not on the Foreign Affairs Committee. And many can ask why am I involved in this issue.

I got interested in this issue because I have come to believe, as a youngster, that there is no such thing as the American dream. The American dream is a universal dream which exists in the hearts and in the minds of people all over the world, who simply yearn for the chance to be free and the opportunity to chart their own destiny.

When I see what occurs in other regions of the world, and particularly in South Africa, this afternoon, I want to know how we can be a constructive, positive contributor to change and to giving that American freedom to every citizen of the world.

My bill provides conditional investment. It encourages American investment in the next 2 years because we believe that is positive, and only if no progress is made at the end of 2 years do we say, yes, then we must take sanctions as our only alternative.

My bill provides economic incentive, scholarships for the blacks, funds for the Human Rights Commission and activities of the blacks politically in South Africa, extension of credit to various black businesses.

My bill requires the immediate implementation of the Sullivan principles not for 70 percent of the American companies operating in South Africa but for 100 percent of those companies.

□ 1450

My bill provides economic incentives; scholarships for the blacks; funds for the Human Rights Commission and activities of blacks politically in South Africa. Extension of credit to various black businesses. My bill requires the immediate implementation of the Sullivan principles not for 70 percent of American companies operating in South Africa, but for 100 percent of those companies.

My bill sets up a Congressional Commission on South Africa, so we along with the administration would be partners in the process of trying to bring

about reform and change in that particular region of the country.

Finally, I would like to appeal to my colleagues on the Democratic side of the aisle who I know have made commitments to support the Gray proposal and know it will pass. As this particular proposal goes to a conference committee with the other body, if you believe as I do that we ought not only look at the issue of sanctions in terms of bank loans, computer sales, et cetera, but if you believe we also ought to be positive, that we ought to provide incentives in the fair labor area, incentives in education, incentives to black business and black enterprise, then send a signal, send a signal to the author of the bill; send a signal to your Members who will be on the conference committee that you want more than just negative reaction; you want positive, constructive proposals as well.

Vote for my substitute so that they will understand that when they bring a conference proposal back to this House, it will be more than just a statement, it will be a positive cause of expanding the American ideals to another corner of the world for all of the population of that country.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. WOLPE] has 15 minutes remaining.

Mr. WOLPE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GRAY], the principal sponsor of this legislation.

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding to me.

Mr. Chairman, we are coming to the end of a rather lengthy debate on a very significant issue that affects all of us in this great Nation of liberty and democracy. That issue is whether or not we will implement the great words that we all believe in as Americans—freedom and dignity. Will we put into action in our foreign policy towards South Africa those values that we have been quick to put into place with nations like Poland, Iran, Afghanistan, Iraq, Jordan, and other places where we have seen the denial of freedom, liberty, and dignity.

I want to, first of all, thank the chairman of the Subcommittee on Africa, the gentleman from Michigan [Mr. WOLPE], for the outstanding leadership that he has provided during this debate. I want to thank all of my colleagues for the high level of debate in which they have participated here on the floor of the House.

However, I must rise in opposition to the amendment by the gentleman from Wisconsin [Mr. GUNDERSON]. For ultimately there are four things that are wrong with this amendment.

First, there is a call for the institution of the Sullivan principles, a sense

of Congress that the Sullivan principles ought to be implemented. Even the Senate decided not to have a sense of Congress resolution. They decided to make the Sullivan principles mandatory. But more importantly, the issue is not whether to implement Sullivan or not to implement Sullivan. For, indeed, Dr. Sullivan has made his position very clear. He states in articles that have already been partially quoted here today that he is for those principles which American companies should implement so that they will not be guilty of practicing apartheid inside of American owned plants in South Africa. There is no violation of South African law for any American company to do that.

American companies ought to be doing that and we should not even need a sense of Congress or a mandatory rule to say that American companies in South Africa ought to provide freedom, justice, and equal opportunity. But, some are suggesting here today that these principles will change or affect the political structure of apartheid. Even Dr. Sullivan, in op-ed pieces in the Philadelphia Inquirer, the Washington Post, and the New York Times, makes it clear that his principles address a very narrow problem, and that is that American corporations not practice the insidious system of apartheid within their walls.

He goes on to say, and I quote again: "Meanwhile, there must be a moratorium on all American economic expansion in South Africa until apartheid is officially ended. There should be no new investments, no new bank loans to the South African Government or its agency. An end to the sale of Krugers; a halt to the sale of any equipment, material, or services to the military or police backed up with embargoes, sanctions, and other penalties."

So Dr. Leon Sullivan would reject the Gunderson amendment on face value because this amendment does not reflect his position. The Sullivan principles do not attack the basic problem of apartheid—the political system of enslavement based upon race and the color of one's skin. Dr. Sullivan is simply saying that American companies should not participate in apartheid and I agree with him.

Second, the Gunderson amendment says let us provide financial aid for human rights activities and for scholarships. A noble cause; who is against scholarships and human rights aid? But is it not sort of anomalous, to say the least, that in a nation where there is the gross denial of human rights we are going to provide \$1.5 million for human rights activities? In a country where people cannot live where they want to live, cannot go where they want to go, cannot vote for what they want to vote for, we are going to say, "We are standing for freedom and de-



mocracy. We are going to give \$1.5 million for scholarship funds. Scholarship money to be used where? In the Bantustans? In the schools of the Bantustans? I am sure South Africa would love to have \$1.5 million in scholarships to "educate" the black majority in those schools. It would relieve them of that problem and they could save \$1.5 million to add to the disproportionate education of the minority white students there. Then the United States would be in the strange position; on the one hand, funding human rights activities to the tune of \$1.5 million, while at the same time we are allowing a \$600 million sale of Krugers in this country and permitting bank loans to the tune of \$400 million to the South African Government. And we will be saying, "We are standing for freedom, justice, and democracy."

Do you believe the people of South Africa or the people of the world would actually believe us? No.

Then there is the third part of the amendment. Let us have a commission so that we can study apartheid. Let the Congress form another committee, another committee in the Congress to study apartheid. We will form it; the same ratios as the House; we will even send committee members to South Africa to study for a while. We do not need another legislative committee or a congressional commission to study apartheid.

Martin Luther King, Jr., used to have a saying about those back in the fifties and the sixties who were reluctant to change here in America and he said, "They always wanted commissions and study groups, and they always got caught up in the paralysis of analysis." So we are being offered the opportunity to get caught up in the paralysis of analysis, spend taxpayers' money so that we can study the problem some more.

Then finally, the fourth thing that is offered in the Gunderson amendment is that the suggestion, which has been a part of the debate for the last 4 days, is that somehow my bill is negative because it will hurt the majority. It will they say, "cause disinvestment," and we do not want to lose any of those precious slave jobs in the mines. Some seem to think that the issue is a loss of jobs, not a loss of justice.

□ 1500

These claims are not true. My bill does not call for the loss of any jobs at all, and each of those who have spoken and implied otherwise know that. It does not call for the loss of a single job.

I believe it is time for us as a nation to put our values into action, move beyond the rhetoric of "abhorrence of apartheid," and begin to say, as even those in the other body said yesterday when they adopted at least three parts

of this bill, that the time has come to do something. Yes, we can argue about whether Chief Buthelezi is right or his cousin, Bishop Manos Buthelezi is. We can talk about Bishop Tutu. We can talk about Dr. Motlano. But let me remind you of three quotes, first John Vorster, the former Prime Minister of South Africa. Here is what he said:

Each trade agreement, each bank loan, each new investment, is another brick in the wall of our continued existence.

This was the leading architect of apartheid saying "Continue to send money, America. You are strengthening me."

And if you do not want to listen to Bishop Tutu, let me take you back to a man who started a movement in non-violence many years ago, and he was the first black to ever receive the Nobel Peace Prize. His name was Albert Luthuli, the former president of the African National Congress, the first black recipient of a Nobel Peace Prize, the first African and South African to be awarded a Nobel Peace Prize, and this is what he said years ago:

The economic boycott of South Africa will undoubtedly entail hardship for Africans. We do not doubt that. But if it is a method which shortens the day of bloodshed, the suffering will be the price we are willing to pay.

Because the West would not heed those words, that movement, the ANC, has been forced to renounce nonviolence. Today they are willing to use violence.

Do you not see our good friends, the Soviets, rejoicing in that moment so they can send arms? If you want to stop the spread of communism, America, fight apartheid. If you want to help communism, embrace apartheid.

Then I would say finally to my colleagues before you vote, the real question for all of us is not over the fun and games of strategy but it is really the question of where we stand. Do we stand with the victims or do we stand with the oppressors? No matter how we try to rationalize it, that is the question.

I remember as a child growing up in the Deep South of this great country, a country that is so great that it had the ability to change and allow a black boy born in Louisiana, who grew up in the ghettos of north Philadelphia, to become chairman of the House Budget Committee. I remember back in the 1940's reading in the newspapers in the South all of those who said, "The black folk are happy. We took a poll. No black leaders are upset with segregation and we are evolving."

No; we do not need to do that again. We know the answer. The answer is that we ought to take these modest steps to say where we stand as a nation.

Finally, I conclude by saying to all of my colleagues, we ought to do it because I believe every American from

sea to shining sea, from Maine to Texas, from Pennsylvania to California, does not want this Nation financing apartheid. That is the issue. This bill seeks to end financing apartheid.

But if you do not want to listen to me, I want to remind you finally of someone who has been banned for a number of years. That is the practice in South Africa when you speak out against the apartheid system but they have no grounds whatsoever to justify locking you up. They put you in your house and say, "You cannot leave the house. You can only have one visitor at a time." And this has to be approved by the government.

There is someone similar to Sakharov and Shcharansky in the Soviet Union suffering this kind of oppression, like Lech Walesa in Poland. We lit a candle for Solidarity in Poland, but we will not strike a match for the blacks of South Africa. The person I'm quoting said this to the West, and I think she speaks to us in the hallowed halls of this great Congress. Her name is Winnie Mandela. Her husband is in jail and he will not leave because he will not bow to the apartheid oppression. She said these words when asked about what the West should do and whether or not sanctions would hurt South Africa's black majority. She said these words, and I am quoting her, Winnie Mandela:

The West refuses to understand what we mean by saying leave us alone. We are tired of being well-fed slaves. We want to fight for our freedom on empty bellies. Stop sustaining and maintaining apartheid. Stop financing apartheid. Again, the white man prescribes for us. He tells us we will suffer, as if we have not been suffering.

That is Winnie Mandela.

I choose today to stand with the victims, not with the Vorsters, not with the Bothas, but to stand with the Nelson and Winnie Mandelas, the Bishop Tutus, and those who want to bring about peaceful change. If we as a nation fail to stand with those who are the victims of this most insidious form of oppression, then America is the loser. We will lose on the world stage as a nation that preaches freedom, justice, but it is only applied to certain people, and there is a double standard.

Yes, I want to hear those words, those words that are sung by Ray Charles, sung by the majority of South Africans. The day of freedom will come sooner or later, my act is not going to force apartheid to come down tomorrow. It is simply going to get us out of the business of financing apartheid, like Mr. Vorster wanted. But one day it will come to the point where those South Africans will look back and say, "Years ago the American Congress stood up and forced the West to join them," and they will sing with new meaning the lines so often sung by Ray Charles:

O beautiful for heroes proved in liberating strife,  
Who love their country and mercy more than life.  
America, America, may God thy goal refine,  
'Till every success is nobleness and every gain divine.

I urge a "no" vote on the Gunderson amendment.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

## RECORDED VOTE

Mr. GUNDERSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 8, as follows:

## [Roll No. 138]

## AYES—112

Archer	Hammerschmidt	Petri
Badham	Hansen	Porter
Barnard	Hartnett	Pursell
Barton	Hendon	Quillen
Bateman	Henry	Regula
Bentley	Hiler	Ridge
Bereuter	Hunter	Roberts
Billakis	Hutto	Roth
Broomfield	Jenkins	Roukema
Broyhill	Kolbe	Rowland (CT)
Burton (IN)	Kramer	Saxton
Campbell	Lagomarsino	Schuetz
Chandler	Latta	Sensenbrenner
Chapple	Leath (TX)	Shaw
Cheney	Lewis (CA)	Shuster
Clinger	Lewis (FL)	Siljander
Cobey	Lightfoot	Skeen
Coble	Livingston	Smith (NE)
Craig	Loeffler	Smith, Denny
Daniel	Lott	Smith, Robert
Dannemeyer	Lowery (CA)	Spence
Daub	Lujan	Stangeland
Davis	Lungren	Stenholm
DeWine	Marlenee	Strang
Dickinson	McCain	Stump
Dornan (CA)	Meyers	Sundquist
Dreier	Michel	Swindall
Duncan	Monson	Tauke
Evans (IA)	Montgomery	Taylor
Fiedler	Moore	Thomas (CA)
Fields	Moorhead	Vander Jagt
Franklin	Morrison (WA)	Vucanovich
Frenzel	Myers	Walker
Gekas	Nielson	Whitehurst
Gingrich	O'Brien	Wolf
Goodling	Oxley	Young (FL)
Gunderson	Parris	
Hall, Ralph	Pashayan	

## NOES—313

Ackerman	Boehlert	Chappell
Addabbo	Boggs	Clay
Akaka	Boland	Coats
Alexander	Boner (TN)	Coelho
Anderson	Bonior (MI)	Coleman (MO)
Andrews	Bonker	Coleman (TX)
Annuzio	Borski	Collins
Anthony	Bosco	Combest
Applegate	Boucher	Conte
Armey	Boulter	Conyers
Aspin	Boxer	Cooper
Atkins	Breaux	Coughlin
AuCoin	Brooks	Courter
Barnes	Brown (CA)	Coyne
Bartlett	Brown (CO)	Crane
Bates	Bruce	Crockett
Bedell	Bryant	Darden
Bellenson	Burton (CA)	Daschle
Bennett	Bustamante	de la Garza
Berman	Callahan	DeLay
Bevill	Carney	Dellums
Biaggi	Carper	Derrick
Bliley	Carr	Dicks

DioGuardi	Klecza	Rodino
Dixon	Kolter	Roe
Donnelly	Kostmayer	Roemer
Dorgan (ND)	LaFalce	Rogers
Dowdy	Lantos	Rose
Downey	Leach (IA)	Rostenkowski
Durbin	Lehman (CA)	Rowland (GA)
Dwyer	Lehman (FL)	Roybal
Dymally	Leland	Rudd
Dyson	Lent	Russo
Early	Levin (MI)	Sabo
Eckart (OH)	Levine (CA)	Savage
Eckert (NY)	Lipinski	Schaefer
Edgar	Lloyd	Scheuer
Edwards (CA)	Long	Schneider
English	Lowry (WA)	Schroeder
Erdreich	Luken	Schulze
Evans (IL)	Lundine	Schumer
Fascell	Mack	Seiberling
Fawell	MacKay	Sharp
Fazio	Madigan	Shelby
Feighan	Manton	Shumway
Fish	Markey	Sikorski
Flippo	Martin (IL)	Sisk
Florio	Martin (NY)	Skelton
Foglietta	Martinez	Slattery
Foley	Matsui	Slaughter
Ford (MI)	Mavroules	Smith (FL)
Ford (TN)	Mazzoli	Smith (IA)
Fowler	McCandless	Smith (NH)
Frank	McCloskey	Smith (NJ)
Frost	McCollum	Snowe
Fuqua	McCurdy	Snyder
Gallo	McDade	Solarz
Garcia	McEwen	Solomon
Gaydos	McGrath	St Germain
Gedensson	McHugh	Staggers
Gephart	McKernan	Stark
Gibbons	McKinney	Stokes
Gilman	McMillan	Stratton
Glickman	Mica	Studds
Gonzalez	Mikulski	Sweeney
Gordon	Miller (CA)	Swift
Gray (IL)	Miller (OH)	Synar
Gray (PA)	Miller (WA)	Tallon
Green	Mineta	Tauzin
Gregg	Mitchell	Thomas (GA)
Grotberg	Moakley	Torres
Guarini	Molinar	Torricelli
Hall (OH)	Mollohan	Towns
Hamilton	Moody	Trafficant
Hatcher	Morrison (CT)	Traxler
Hawkins	Mrazek	Udall
Hayes	Murphy	Valentine
Hefner	Murtha	Vento
Heftel	Natcher	Visclosky
Hertel	Neal	Volkmmer
Hill	Nelson	Walgren
Holt	Nichols	Watkins
Hopkins	Nowak	Waxman
Horton	Oaker	Weaver
Howard	Oberstar	Weber
Hoyer	Obey	Weiss
Hubbard	Olin	Wheat
Huckaby	Ortiz	Whitley
Hughes	Owens	Whittaker
Hyde	Packard	Whitten
Ireland	Panetta	Williams
Jeffords	Pease	Wirth
Jefferson	Penny	Wise
Johnson	Pepper	Wolpe
Jones (NC)	Perkins	Wortley
Jones (OK)	Pickle	Wright
Jones (TN)	Price	Wyden
Kanjorski	Rahall	Wylie
Kaptur	Rangel	Yates
Kasich	Ray	Yatron
Kastenmeier	Reid	Young (AK)
Kemp	Richardson	Young (MO)
Kennelly	Rinaldo	Zschau
Kildee	Ritter	
Kindness	Robinson	

## NOT VOTING—8

Byron	Emerson	Stallings
Dingell	Gradison	Wilson
Edwards (OK)	Spratt	

□ 1520

Mr. LIPINSKI and Mr. BREAUX changed their votes from "aye" to "no."

Mr. VANDER JAGT and Mr. DUNCAN changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DELLUMS: Strike out all after the enacting clause and insert in lieu thereof the following:

## SECTION 1. PROHIBITION OF INVESTMENTS IN SOUTH AFRICA.

No United States person may, directly or through another person, make or hold any investment in South Africa.

## SEC. 2. PROHIBITION ON EXPORTS TO SOUTH AFRICA.

(1) GENERAL RULE.—No goods, technology, or other information subject to the jurisdiction of the United States may be exported to South Africa, and no goods, technology, or other information may be exported to South Africa by any person subject to the jurisdiction of the United States. The prohibition contained in this paragraph shall apply to goods, technology, or other information of any kind, which is subject to controls under the Export Administration Act of 1979, the Arms Export Control Act, the Atomic Energy Act of 1954, or any other provision of law.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply to exports described in section 6(f) of the Export Administration Act of 1979.

## SEC. 3. PROHIBITION ON LANDING RIGHTS OF SOUTH AFRICAN AIRCRAFT.

(a) PROHIBITION.—The Secretary of Transportation shall prohibit the takeoff and landing of any aircraft by an air carrier owned by the Government of South Africa or any citizen or national of South Africa.

(b) EXCEPTIONS FOR EMERGENCIES.—The Secretary of Transportation may provide for such exceptions from the prohibition set forth in subsection (a) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers are threatened.

(c) DEFINITIONS.—For purposes of this section, the terms "aircraft" and "air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958.

## SEC. 4. PROHIBITION ON IMPORTATION OF KRUGERRANDS.

No person may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

## SEC. 5. ENFORCEMENT; PENALTIES.

(a) AUTHORITIES OF THE PRESIDENT.—The President shall take the necessary steps to insure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with such provisions, regulations, licenses and orders. In insuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and



production of all books, papers, and documents relating to any matter under investigation.

(b) VIOLATIONS.—Any person that violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall—

(1) if other than an individual, be fined not more than \$1,000,000; and

(2) if an individual, be fined not more than \$50,000, or imprisoned not more than 5 years, or both.

(c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person violates the provisions of this Act or any regulation, license, or order issued under this Act—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice, shall, upon conviction, be fined not more than \$10,000, or imprisoned not more than five years, or both.

(2) RESTRICTION OF PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(d) SEIZURE AND FORFEITURE OF AIRCRAFT.—Any aircraft in connection with a violation of section 3 of this Act or any regulation, license, or order issued to carry out that section shall be subject to seizure by and forfeiture to the United States. All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for purposes of this subsection, be exercised or performed by the Secretary of Transportation or by such persons as the Secretary may designate.

#### SEC. 6. REGULATIONS.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

#### SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) UNITED STATES.—The term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(2) UNITED STATES PERSON.—The term "United States person" means any United States resident or national and any domestic concern (including any permanent domestic establishment of any foreign concern).

(3) SOUTH AFRICA.—The term "South Africa" includes the Republic of South Africa; any territory under the administration, legal or illegal, of South Africa; and the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Venda, and Ciskei.

(4) INVESTMENT IN SOUTH AFRICA.—A person makes or holds an investment in South Africa if that person—

(A) establishes or contributes funds or other resources (including making a loan or other extension of credit) for the establishment of a business enterprise in South Africa;

(B) otherwise invests funds in a business enterprise in South Africa, including—

(i) beneficially owning or controlling a share or interest in such a business enterprise;

(ii) beneficially owning or controlling a bond or other debt instrument issued by such a business enterprise;

(iii) making capital contributions in money or kind to such a business enterprise, and

(iv) making a loan or other extension of credit to such a business enterprise, or giving security for the debts of such a business enterprise; or

(C) controls a business enterprise in South Africa, in cases to which subparagraphs (A) and (B) do not apply.

(5) FUNDS.—The term "funds" means money or other resources.

(6) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and such term includes the ownership of real estate.

(7) BRANCH.—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through an incorporated entity.

(8) CONTROL.—A United States person shall be presumed to control a business enterprise in South Africa if—

(A) the business enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(B) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;

(C) the United States person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(D) the United States person has authority to appoint the chief operating officer of the business enterprise.

#### SEC. 8. APPLICABILITY TO EVASIONS OF ACT.

This Act shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this Act or any regulation, license, or order issued to carry out this Act.

#### SEC. 9. EFFECTIVE DATE.

The provisions of this Act shall take effect 180 days after the date of the enactment of this Act.

□ 1530

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 30

minutes and a Member opposed to the amendment will be recognized for 30 minutes.

Is the gentleman from Michigan [Mr. SILJANDER] opposed to the amendment?

Mr. SILJANDER. I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Michigan [Mr. SILJANDER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is indeed the last amendment that will be debated on the Anti-Apartheid Act of 1985. A number of my colleagues have, in an unsolicited fashion, indicated that this is the only intellectually honest amendment to be presented on the floor. I leave that to those of you in this body to make that judgment.

In order to make my statement, Mr. Chairman, I would like to go back about 55 years to the early 1930's in Nazi Germany when a number of our fellow human beings were required to carry cards and wear a yellow star to hyphen who they were.

It started in a very gradual way.

I was born in the middle of that decade, 1935. Beyond the middle of that decade, in the infancy of my life, Nazi Germany began.

So, Mr. Chairman, we began in the early 1930's in virtually the same way that South Africa conducts its business with respect to black people in that country. But by the late 1930's, Mr. Chairman, millions of our Jewish brothers and sisters were being killed.

I would like to believe that if this gentleman were a Member of the U.S. Congress that I would have raised my voice in my diametric opposition to that madness. I believe that I would have screamed out against the injustice and the brutal maiming and killing of millions of our fellow human beings. But I was merely an infant.

I am now an adult and at this moment, at this time, with respect to what is happening in South Africa, I cry out, I raise my voice to scream at the incredible injustice that is presently taking place in South Africa.

It is against that backdrop that I make my statement. I am motivated by the notion that each of us who are citizens of this planet, whether we are in or outside the formal body politic, have a profound obligation, indeed a major responsibility to stand up and speak out against injustice wherever it occurs anywhere in the world. And there are two ways that one can challenge injustice in the world: Peacefully or in a warlike fashion.

This gentleman is not asking the United States to declare war on South Africa. We have the technological ca-

pability to destroy that nation. But I am not a man of war. I try to raise my voice in peace.

It is in that second context that I offer the amendment today in the nature of a substitute. We have a responsibility to speak.

Mr. Chairman, the premise upon which I speak is as follows: Apartheid is unspeakably horrendous, evil, immoral and politically wrong. Mr. Chairman, the United States and its citizens are accessories to this evil by virtue of our acquiescence and our support of the injustices and the immorally reprehensible Government in South Africa. Unrest, violence, deaths continue, continue to escalate in that country.

Mr. Chairman, our, the United States, political ideals, moral teachings and our history require that we change our policy.

At this point I would like to begin to elaborate upon that statement by first saying this, something that has not been introduced into this debate, and that is that the struggle against apartheid in South Africa is as important to the emotional and mental and intellectual and political well-being of this Nation as it is for the savings of our brothers and sisters in South Africa. We are a multiracial Nation. What do we say to the blacks, to the browns, to the reds, to the yellows, and to the whites in this country who understand the commonality of our brother and sisterhood when we continue to cling tenaciously to policies that would allow a nation based upon an absurd and antiquated notion of racial supremacy to continue to go forward? So no one has said on this floor that what we are about here is as much about the liberation of America as it is the liberation of our black brothers and sisters in South Africa.

Healing must take place in this country. Martin Luther King talked about the dreams that are still deferred.

I am a black man. I represent the district that I was born in, raised in, educated in, cried in, fought in, dated in, played baseball in. I come to this floor and all of you know that I take every single opportunity at my disposal to advance my full citizenship because I walk in that door every single day assuming that I am a full participant in the body politic. To do less would be to diminish me. To do less would diminish 500,000 people who are my constituents. To do less would be to diminish the process itself.

So we all sit here, men and women, black and white, brown, yellow, but when we vote we are all equal. That is the statement that we must take forward into the world if we are indeed committed to it.

So we must get beyond the last vestiges of racism and discrimination and prejudice and hatred and misunder-

standing that have been an integral part of the 200 years of our past. And so this debate is not singularly and simply a debate about South Africa. Understand it is as much a debate about America as it is about South Africa.

So I do not come into the well with a sense of noblesse oblige. This is not my noble obligation. I am not here as a missionary. My self interest is involved in the liberation of all people on this planet.

□ 1540

America has to be an integral part of painting a different face to the world and it cannot be done it seems to me while we continue to engage in a relationship with South Africa. The policy of constructive engagement has not worked. We all know that. It is, indeed, an un-American policy, Mr. Chairman, in that it fails to support the principles upon which we ostensibly believe.

Let me state it a different way: I believe that to oppose apartheid in South Africa should be as American as apple pie. Mr. Chairman, from the most rightwing Member of this body to the most leftwing Member of this body and everyone in between should be unified on this issue. This is not the latest liberal issue of the day. This issue transcends the narrow confines of our ideological perspective. The reason why I say opposing apartheid should be as American as apple pie is as follows: If any of you in the Republican Party, in the Democratic Party, in all wings of the political spectrum believe truly in your heart of hearts and in your mind in the equality of human beings and the magnificence of the human spirit, black people in South Africa, people of color in South Africa are not dealt with as equal human beings. If you believe in individual rights that are enshrined in the Constitution of the United States, due process: When I went to jail before the South African Embassy I knew that the next day I would be arraigned before a judge. I knew that if I needed it I could solicit an attorney. Not true for black people in South Africa.

The freedom to speak: This black man stands in the well and has the audacity to challenge policy to which I disagree. My brothers and sisters in South Africa do not have that opportunity. I stand in this well to challenge on behalf of my constituency as a black man, interestingly enough with a predominantly white constituency; 18.2 percent black, 27 percent total nonwhite, 71 percent white, for 10½ of the 14 years that I have served in the Congress.

So it shows that people have the capacity to get beyond the earth-bound, mundane, pedestrian notions of the color of one's skin, to the level of their ideas and their competence and their

capabilities. If it can happen in one little place in California then it can happen all over the world. So it is indeed un-American that we continue to embrace the notions of apartheid.

Freedom of assembly: I go where I choose, meet with whomever I choose. That is an inherent right. It is part of my birthright. My wife and I gave birth to three children. They have rights as citizens. They did not have to fight for them. We did the fighting.

My children did not have to die for it. The Kings and the Malcolms and others did the dying for it. But it is now their right. But that is not true in South Africa.

So how can we wave the flag as Americans based upon our democratic ideals and embrace apartheid? We believe that every single individual in this country at a certain age shall have the right to vote as an inherent part of our flag-waving. Black people in South Africa do not have that. We can travel anywhere that we choose to go. Some of my colleagues even think the mass transit is a Communist conspiracy because it means getting people out of their individual automobiles so that they cannot travel freely. So we cling tenaciously to the notions of the right to move freely.

Not true for our people in South Africa.

Freedom from arbitrary arrest and police terrorism: Not true in South Africa. So this is not a liberal issue, my colleagues; this is not a democratic issue; this is a human question that is as much American as it is the problems of South Africa. We cannot support a regime that does not show its concern for the welfare of its own people, with an incredibly high infant mortality rate in South Africa. Over half of the children in the Bantu stands die before they are age 5. We fight tenaciously in this country, many of my colleagues, on the issue of abortion.

Then stand with me in opposition to being in bed with the nation that allows its children to die simply because they are a different color. It is a contradiction to do less.

Poor health conditions for blacks and nonwhites; government policies that are destructive of the family. How many times have we heard President Reagan go on television and talk about returning to traditional family values? In South Africa we are destroying the family. How can you make that statement in one side of one's mouth and then turn and face to the other side of the reality of what is going on in South Africa, and our acquiescence in it, and our support of it?

South African black people, unfortunately, cannot seek their freedom peacefully. But the international community that we are an integral part of have the capacity and the leverage to



cause the South African Government to come face to face with black South Africans and forge true democracy through dialog and conciliation. And we must be in the forefront of forging and developing that international pressure and that international public opinion. It is our responsibility.

Constructive engagement has failed and I will not go through all the reasons why. You have already heard them.

The question for America is this: How can we minimize the bloodshed and promote political freedom and economic justice? I believe that America must take steps to promote justice and to promote freedom. We must legislate a series of actions that will withdraw our support and end our acquiescence to a legally sanctioned and oppressive and brutally enforced system of apartheid.

That is why I have introduced this alternative amendment in the nature of a substitute.

Mandatory disinvestment, a ban on exports to South Africa, prohibition on the sale of Krugerrands, denial of landing rights in the United States to South African aircraft.

In other words, Mr. Chairman and my distinguished colleagues, adoption of a policy that demonstrates our total, not mediocre, not moderate, not compromised, but total abhorrence of South Africa's policy on apartheid.

The key, Mr. Chairman, is disinvestment. I would say to my colleagues who support no new investments: How can you then fashion an argument that says "I support no new investments because investments support the killing and the dying of people." I would then say that there is already a corporate structure in South Africa spending billions of dollars killing our brothers and sisters in South Africa. It is a contradiction to say that you support no new sanctions and then turn your back on the question of disinvestment at this moment because our people are dying, not of new speculative investment; our people are dying not of new speculative loans; they are dying as a result of the propping up of a system of apartheid that we are presently participating in, American corporations, now.

I understand the political realities. I have been here 14½ years but that does not say that my approach is not honest. That does not say that disinvestment is not real. Maybe some of my colleagues lack the political courage to take the step, maybe they have counted the votes and said, "Well, maybe we can get a moderate bipartisan proposal through." But understand that is all it is, it is a moderate, bipartisan, Washington political statement. We are still in bed with South Africa. It does not make me go to bed feeling any better because we said "no new loans, no new investments" be-

cause they are not the ones killing our people.

□ 1550

It is the corporations presently there, cropping up and supporting an atmosphere that is conducive to racism and oppression that is extraordinary on the face of this earth.

Mr. Chairman, why should American corporations be required to pull out? Foreign investment is the glue that holds the apartheid system together.

My distinguished colleague, the gentleman from Philadelphia [Mr. GRAY] quoted the former South African Prime Minister Vorster, and I requote:

Each trade agreement, each bank loan, each new investment is another brick in the wall of our continued existence.

Again, if you can argue that no new investments are appropriate, then it seems to me if you are outraged about what is taking place and our role in it, then it seems to me that it is intellectually and politically and morally consistent to stand with me and call for immediate and total disinvestment.

Anything short of that, then you have to see it for what it is. The study, "U.S. Investments in South Africa: The Hidden Pieces," show U.S. investment in South Africa to be at least \$8.1 billion. Some people say it is as high as \$14 billion.

American support for South Africa is greater than even the numbers suggest. For example 70 percent of the computers—American firms; 44 percent of the energy—American. American technicians man South African nuclear reactors.

With respect to transport; Ford and General Motors are used by South African military and police. The two firms comprise 24 percent of all of the South African automobile industry.

As the manager-director of Burroughs, S.A. Carlton said in early 1970's, and I quote:

We are entirely dependent on the United States. The economy would grind to a halt without access to computer technology of the West.

Foreign corporations provide direct strategic support of South Africa. We are told that corporations are progressive forces for change and disinvestment that would hurt black South African economy would lead to reform.

Let me address these issues, because I believe those assertions by the corporations and the South African Government—so obvious political and financial self-interest.

First, the corporate self-interest is clear, Mr. Chairman. Besides everything else, apartheid is a system of labor control. Exploitation of cheap black labor means high profits. South Africa attracts foreign capital because it has two economies, Mr. Chairman, not one: The developed "white" economy which provides a good market for

consumption, and the underdeveloped "black" economy that supplies the cheap labor.

There is no basis to the argument that a growing economy lessens apartheid. I would suggest any mediocre student of the recent history of South Africa would rapidly come to the conclusion that things have gotten worse; they have not become better.

The CHAIRMAN. Will the gentleman kindly suspend?

The Chair would advise the gentleman that he has consumed 20 of his 30 minutes.

The gentleman may proceed.

Mr. DELLUMS. Thank you very much, Mr. Chairman. Let me move past a few of these points and come to this:

There has been a great deal of talk about the Sullivan principles; it only affects 1 percent of the total labor force, and as one official of one federation of South African trade unions called them, "window dressing in a broken window."

The effect of a U.S. pullout would affect less than 1 percent of the labor force, but let us say that it would affect more than that. This would be a small amount of suffering in comparison to the daily suffering and dehumanization caused all black people in South Africa.

The critical issue for black South Africans is not standard of living; it is freedom. Even those blacks employed by U.S. firms cannot vote; they cannot freely choose where they live; they cannot freely choose whom they will marry. Divestment may help create a situation where this type of freedom could be blamed for all blacks.

You know, one could make the argument that during slavery there was full employment. Do you think that we would have loved to continue to be slaves in order to maintain our jobs, or was there something much more noble to struggle for? Our freedom. Freedom that I express on this floor of Congress and that I exercise—it is not about a job or a standard of living; it is about the dignity of the human spirit and the right of human beings to function.

Mr. Chairman, I have proposed a number of things, but even if it is just the 1 percent. Steve Biko made the following statement:

The argument is often made that the loss of foreign investment would hurt blacks in the short run, because many of them would stand to lose their jobs. But it should be understood in Europe and North America that foreign investment supports the present economic system of political injustice . . .

If Washington is really interested in contributing to a development of a just society in South Africa, it would discourage investment in South Africa. We blacks are perfectly willing to suffer the consequences. We are quite accustomed to suffering.

Steve Biko was killed, killed, murdered in 1977 as he sat in jail, in incommunicado status.

Mr. CONYERS. Mr. Chairman, would my colleague yield at this point?

Mr. DELLUMS. If my colleague would just let me finish, and then I will yield.

I yield to the gentleman.

Mr. CONYERS. I would like to remind the distinguished leader of this portion of the substitute that there are many of your colleagues who are desperately anxious to join you in this particular and most important part of the debate.

I only would wish that the gentleman would remember that we have probably a limited amount of time, and I want to join him. That is the only point I want to make at this time.

Mr. DELLUMS. I thank my colleague, and I appreciate it.

The tragedy is that we are standing here on what I consider the most important debate other than dropping nuclear bombs to destroy life on this planet, as one of the two most important issues we will discuss in our modern lifetimes, and we are sitting here with 30 minutes, and I understand that; I will wrap it up, and I will give my colleagues an opportunity. Hopefully, my distinguished colleague and friend over here may give us a few minutes to allow a few people to speak, I do not know.

Mr. CONYERS. I thank the gentleman.

Mr. DELLUMS. Let me summarize, Mr. Chairman.

I am deeply appreciative of this opportunity. I wish we had more time to debate this matter. There are many, many more statements this gentleman wishes to make.

I would just finally say to those of my colleagues on the Republican side of the aisle who say that the present bill before the body is too moderate, you now have an alternative. For those of you on this side of the aisle who say no new investments, that we have to move away from our economic support of South Africa, reach into your gut, reach into your spirit, and reach into your conscience; not your political machination, but into your conscience, because I am not here just to be a spear-catcher. I am here to win, and I would like to beat you, and I would like you to join us, because I want America out of bed with South Africa. We have a responsibility to make a political statement to ourselves for healing; to make a statement to the world that we stand for something.

My colleagues oppose communism. I have always said if you want to oppose an idea, come with a better idea. The better idea is democratic principles; get out of bed with South Africa, divest. I hope my colleagues of conscience will join me in support of this

amendment, and I thank my colleagues.

The CHAIRMAN. The gentleman from California [Mr. DELLUMS] has consumed 25 minutes. He has 5 minutes remaining.

Mr. SILJANDER. Mr. Chairman, I yield 30 seconds to the gentleman from South Carolina [Mr. HARTNETT].

Mr. HARTNETT. Mr. Chairman, I want to commend my colleague from California, who is an articulate spokesman and say to him that in his remarks, when he said that in his opinion it was not just quality of life for the people of South Africa, that it was freedom. There are many of us who feel that strongly about national defense in this country; that it is not just the quality of life for our people here in these United States, but their freedom.

So I say to my colleague who sometimes does not want to be as strong on national defense as I am, that as he feels, it is not just quality of life for the people of South Africa, but freedom. There are those of us in this Congress who feel that it should not just be quality of life for the people in our country, but freedom.

Mr. SILJANDER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, "few things are as stimulating as other people's calamities observed from a safe distance." This maxim by George F. Will describes a rather fundamental characteristic of human nature, a behavior pattern that I would suggest is largely responsible for this very ill-conceived piece of legislation, H.R. 1460. As Members of Congress, we have been debating what to do about South Africa for nearly 2 years now, ever since the export administration act came to the floor in the autumn of 1983. I believe now, as I believed then, that this debate is much in need of a healthy dose of realism.

In an African Continent reeling under the burdens wrought by political repression, failed economies, tribal warfare, poverty, starvation, and squalor, South Africa has been singled out by some Members of Congress as a country deserving of economic sanctions. In its own way, this special focus on South Africa reflects the larger realities about the contemporary situation in Africa as a whole, realities that no amount of congressional action can change.

The point is often made in our Foreign Affairs Committee that double standards are continually being enshrined in foreign assistance bills and other legislation reported from that committee. I would define that double standard this way: Our approach to countries that have not experienced a leftwing revolution emphasizes a historical necessity for change, an inexorable process must be set in motion

leading to a fundamental change in the present situation. Once a country has experienced a so-called popular revolution however—a leftwing takeover—our new approach to that country emphasizes an implicit acceptance of the new tyranny and the new abuses committed in the name of the revolution. Whether it be, for example, the Sandinistas in Nicaragua or the Mengistu regime in Ethiopia, the new tyranny, the new repression must be accepted as a permanent fact of life.

It is in this double standard that I find the focal point of the legislation before us today. There can be no mistake: The South African policy of apartheid is a calamitous and heinous system that justly deserves the condemnation of the civilized world. We all believe that. If South Africa is truly a member of the Western World, as the Pretoria Government often claims, that government must make good its claim by implementing at the very least those essential civil and economic liberties that are the heritage and hallmark of Western civilization—liberties that must be granted to all South Africans. And those countries that have formal relations with South Africa must encourage at every step the peaceful evolution of free institutions within that country.

How our country can contribute to peaceful change in South Africa should be what we are debating today. Instead, however, we have a debate in which the critics of the Reagan administration's policy of "constructive engagement" in dealing with South Africa have presented not one shred of evidence that a policy of de facto disengagement holds out the promise of anything better. And H.R. 1460 is exactly that: A disengagement of American interests and investment with South Africa, a ritualistic washing of our hands, an implicit acknowledgment that there is nothing we can do to help—so bring on the turmoil, upheaval, and revolution in South Africa.

A recent article in the Christian Science Monitor explains the false hope behind this kind of approach to South Africa very well. Written by Dimitri Simes, a senior associate of the Carnegie Endowment for International Peace, the article correctly notes that disinvestment and other punitive sanctions against South Africa will indeed cause problems for the government there. But the writer goes on to make this warning—and everyone should listen to this very carefully: "Those who are ready to play with the destabilization of South Africa should be prepared to accept responsibility for triggering an unmitigated disaster." Is there anyone in this House who wants to accept that responsibility? If Members do not, then vote against H.R. 1460.



What is at stake in South Africa concerns more than the people living there, the South Africans of all races who will serve as cannon fodder for the radicals of both the left and the right. What is at stake in South Africa also affects the rest of Africa. A peaceful resolution of the internal problems in South Africa and an improvement in the relations between all nations in southern Africa are indispensable to the future of development and security of the African Continent as a whole.

South Africa commands the only effective physical infrastructure in southern Africa. And the half has never been told concerning South Africa's trading relationship with its southern Africa neighbors and other countries in the continent. Countries as far away as Zaire and Kenya have relied on South Africa as a source of vital foodstuffs.

And, whether we like it or not, our own country must maintain a vital trading relationship with South Africa to guarantee our own survival. South Africa is the free world's preeminent supplier of manganese, vanadium, platinum, and more than a dozen more of the strategic nonfuel minerals and metals on which our heavy industry and national defense efforts are based. The Soviet Union and South Africa together control over 75 percent of the world's supplies of these minerals and metals. No congressional fiat can change that fact. Nor can congressional posturing do away with the gold and diamond reserves in South Africa on which the free world is also primarily dependent. I have always been struck by the ironic fact that our trade embargo against Rhodesian chrome meant that we had to make our chrome purchases from the Soviet Union instead.

Mr. Chairman, no one policy option can encompass or address all of the complexities and paradoxes of the South African situation. Whether it be the carrot or the stick, no one policy or approach holds out the promise of being infallible. But it is within our power, as Members of Congress, to resist the temptation of dealing with South Africa purely from an attitude of malice.

I believe that our country can best serve the cause of freedom and justice in South Africa by staying there: To encourage American businesses to invest there, to employ and train and house nonwhite South African workers, to implement fully the Sullivan fair-employment practices code, and to participate in the process of change that is even now underway.

Now is the time to expand our educational and human rights programs in South Africa—to encourage, rather than belittle, the efforts of those conscientious South Africans of all colors who are striving for peaceful change.

The emerging demographic and economic realities of the situation in South Africa have created a complicated network of political and moral imperatives. As South Africa undertakes the difficult task of sorting out its priorities, we should stand ready to help the process and not to vilify it.

The choice before this House today is whether we will indulge ourselves in a moment of satisfaction and selfcongratulation—getting a kick out of washing our hands of this whole matter and leaving South Africa to bleed—or whether we will do the right thing and commit ourselves to seeing this matter through over the long haul. The question is whether or not we really believe South Africa is important enough to be involved in—whether or not the issues at stake in that country are important to the future Africa and to our own future as well.

I am well aware of the passions this issue generates. But there comes a time when each of us must set aside a little of our own infallibility and try to do what is right for the people of South Africa and the people of the United States. The very fact that we are even conducting such a debate—is testimony to the fact that our country does have leverage in South Africa and that change in that country is possible. If such were not the case, we would not be wasting our time with this debate. I hope that some day we will conduct such a debate on the Soviet Union, the People's Republic of China, and other countries.

□ 1600

Mr. SILJANDER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. WOLFE].

Mr. WOLFE. I thank the gentleman for yielding.

Mr. Chairman, I want to begin, first of all, by saying that, while I shall not be supporting the amendment offered by my distinguished colleague, the gentleman from California, I believe he has performed a very significant service in pressing this amendment before this House. I am pleased we have the opportunity to debate the Dellums substitute. While many advocates of sanctions against South Africa are heartened to see the United States Congress finally on the verge of adopting certain antiapartheid sanctions, adopting a very different approach to South Africa than that embraced in the policy of constructive engagement, it is important, as the gentleman from California [Mr. DELLUMS] reminds us, to remember that there is a vast body of Americans who have been calling for total disinvestment from South Africa for several decades now. As chairman of the Africa Subcommittee for the past 2 sessions of Congress, I have heard testimony from a variety of influential Americans who believe

that disinvestment is both the correct moral position to take as well as the most sound policy for America to adopt in pursuit of a nonracial democratic state in South Africa, which ultimately would be best serving America's national interests.

It was in December 1962 that Dr. Martin Luther King, Jr. issued a joint appeal with Chief Albert Luthuli calling for sanctions against South Africa, including disinvestment.

The gentleman from California [Mr. DELLUMS] himself testified before my subcommittee this year. He and the gentleman from Michigan [Mr. CONYERS] had introduced disinvestment legislation as early as 1971.

This is not a new issue, and this is not a new or, for that matter, a radical proposal.

In January of this year, Dr. Clifton Wharton, who is a director of the Ford Motor Co. and chairman of the board of the Rockefeller Foundation, testifying before my subcommittee, stated:

One hopes that from what surely is a national consensus will emerge a national policy that will reflect U.S. determination to sever normal ties with South Africa.

Dr. Wharton added:

United States corporations should cease doing business in South Africa and withdraw as rapidly as possible \* \* \*. I believe the time for debate and discussion has run out!

It is not often that we find a representative of the corporate world advocating disinvestment, but that was precisely Dr. Wharton's unequivocal message.

In fact, there are already American corporations beginning to disinvest out of a recognition that it does not well serve their economic self interest to be identified with the system of apartheid or to be involved in a situation of growing political and civil unrest in which virtually war zone conditions are developing in some portions of the country.

In fact I have occasionally been asked my own advice by some corporate leaders as to what I would recommend. I think corporations staying in South Africa at this point may be doing a disservice to their own shareholders, because I think that is simply not the wisest policy to be pursuing.

Having said that, I want to say that I, along with the gentleman from Pennsylvania [Mr. GRAY] and other cosponsors of H.R. 1460, have gone out of our way in the development of the legislation that is before this body to emphasize that H.R. 1460 does not—I repeat: does not—call for disinvestment. We have emphasized the moderate nature of the sanctions of the Antiapartheid Act of 1985 because they are indeed moderate. We believe that the political reality today suggests that these moderate restrictions can in fact pass this Congress, and become

American law. What we have been attempting to develop is a package that will both be effective in the sanctions that are imposed and will enjoy the broadest base of bipartisan political support possible. We think that kind of message directed at South Africa would be very dramatic in and of itself and would begin to signal to South Africa that we've had it with constructive engagement and that absent significant change, more will follow.

I say that because I think it is important that while, as I said before, I will not be in a position to support the gentleman's substitute today, I think it is important that Members of this body begin to think through the full implications of what the gentleman from California [Mr. DELLUMS] has offered today. Because we may well be here again a year from now or 2 years from now, once we have an opportunity to see what happens in South Africa. And if indeed there has been no progress and only further repression and further deterioration, I think we are going to find larger numbers of Americans insisting that more pressure is needed and that disinvestment may in fact be the only way to go.

So I thank the gentleman from California for really raising this issue in the way in which he has, and I would plead with the corporate community to look very seriously at their own continuing involvement.

□ 1610

Mr. SILJANDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just wanted to thank the gentleman from California [Mr. DELLUMS] for his honesty. I said that earlier today several times and I sincerely mean that. I think when we compare the Gray bill with the Dellums approach, there is a clear difference. There is no doubt about it.

The Gray bill, from my point of view, is a half-way measure. We battered this around significantly on the floor today dealing with banning computer sales. I have argued, as others have, that Japan could easily fill in that void. They have increased their market share 206 percent since 1976 to 1983.

What would Dellums do versus Gray? Dellums would simply say no computers at all. He makes it unequivocally clear. Now the second point, the Gray bill bans bank loans just to the Government. Why ban bank loans just to the Government? If we are serious about disassociating ourselves completely, from a racist system then why not ban bank loans to the private sector as well?

If we are serious about it, and I am not advocating this position, but if we are really serious from that point of view, intellectually honest, why not do so? Statistically, half of all the bank

loans to the Government have already been eliminated without a need for a Gray bill. Further, in an April issue of the New York Times, it said:

Virtually all major banks have stopped lending to the government and its agencies. Citicorp, J.P. Morgan & Co. and the NCNB Corp. adopted policies prohibiting loans to the public sector as well.

Fresh lending to the Government by American banks appears to have been virtually stopped.

So my argument is that banning bank loans in itself will put no additional pressure that is already being placed without the Gray bill. Again, the Dellums substitute is more honest than Gray.

The third issue, and I think it is quite crucial, deals with Krugerrands. Banning Krugerrands to the South African Government will have no real economic effect. I tell you what it does have effect on: For every \$350 Krugerrand, a black family receives, working in the mines, \$49. Is that worth cutting the Government of South Africa out of 40 cents? That translates into \$750,000 lost to the Government per year and \$85 million lost, however, to black families in South Africa per year based on banning new sales of Krugerrands and imports of Krugerrands.

Keep one thing in mind: One worker feeds 6.6 to 10 other mouths. Five hundred and fifty thousand black workers makes literally millions of blacks that this banning of Krugerrands could possibly affect. Lesotho; 65 percent of their GNP is based in South Africa, and 51 percent of that GNP is based in gold.

Botswana, Swaziland, Zimbabwe, Angola, Zambia, and Namibia would all be hurt by this Krugerrand ban. I say if this is really your interest, then let us go with what DELLUMS does; he bans everything: chromium, manganese, platinum, gold bullion, coal, diamonds; everything.

Mr. LELAND. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. For 10 seconds.

Mr. LELAND. Come on, give me more than 10 seconds. The issue is—

Mr. SILJANDER. I yield for 10 seconds.

The CHAIRMAN. Does the gentleman decline to yield?

Mr. SILJANDER. I yield the gentleman 10 seconds to make a point or a comment.

Mr. LELAND. The point is is that how is it that you can put a caveat in justice? How is it that you can say that it is all right to accept all of the other atrocities but you take 49 cents out of the amount of money that they get from the sale of Krugerrands in this country?

That is a caveat; that is an amendment to justice.

Mr. SILJANDER. I thank the gentleman for his comments, and that is precisely my argument regarding the Gray bill. It is a half-way measure. At

least, from your standpoint, obviously, and intellectually, the Dellums bill goes all the way and is clearly honest.

The last point I would like to make with the Gray bill, it bans new investment as we all know. The Dellums bill bans all investment. Existing investment; new investment; he goes all the way. I said the bank loans have been cut in half anyway. Six States, 40 universities, 20 cities have already divested. Six to eight State legislatures have introduced disinvestment legislation. Forty are on the dockets of 40 States this year alone. Of those 40 universities I mentioned, \$300 million has been already eliminated in stocks alone. Eleven major corporations are ready to leave South Africa. The stock and bond value of all these transactions is \$1.5 billion divested and growing stronger. There are nearly 20 sanctions around the world on South Africa now in effect.

There still, even under Gray, there would be 350 firms still operating and 1,800 subsidiaries still operating. Under Dellums, there would be none. Absolutely none. I am arguing that disinvestment or the essence of what the pressure of Gray would attempt to do in banning new business is already underway without a Gray bill.

So my point is that the Gray bill essentially does nothing significantly to change the present course. But certainly the Dellums bill does. I would argue the only way for Gray to work effectively, to pursue the goals that have been articulated on the floor would be to bring Britain in. Britain, after all, is half of all the foreign trade. France's trade has risen 43 percent in the first half of 1984. West Germany is the third greatest trade partner. Japan is tied for No. 1 with the United States. In Africa, 49 countries trade with South Africa in the continent alone. In Israel, we cannot tell for certain, because of many secret agreements, but Israel is likely, according to many analysts, tied with Japan and the United States as No. 1 trading partner.

So if this is to be effective, we need to incorporate an international spectrum of disinvestment. Lastly, if it is really to be effective, we would have to later on engage the Sullivan principles as mandatory in separate legislation. As I said earlier in my initial presentation of my own substitute, by doing that later, by incorporating Sullivan after the Gray bill, it forces a siege on the businesses now there. Because Gray does nothing to existing businesses, but puts them under siege. They cannot retool; they cannot modernize; they cannot expand. How can they compete in the international market effectively? Obviously, they cannot. So as businesses look for ways to cut, the first thing, obviously, some



of them will do is cut their participation in the Sullivan principles.

Then, when we make it mandatory under the Solarz approach later on with Gray, the businesses will have to disinvest, they will have to close down. So the Gray bill with the Sullivan principles later on assuming that they pass the Congress, makes a similar scenario to the Dellums approach. But I would argue even with the Dellums approach we need international cooperation to really achieve the specific goals and change specifically what the proponents of the Dellums approach suggest need to be changed.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. I thank the gentleman for yielding me this time.

Mr. Chairman, may I just point out a course that we are not here responsible for the foreign policy of other nations, but we are responsible for the foreign policy of America. I just want to emphasize a point made by the sponsor of this motion and that is recognizing that perhaps we do not recognize the nature of facism against which this bill fights.

Fascism savage may include racism, but it is even more evil. It is qualitatively worse because: One, it destroys peaceful relations with other nations in its sphere of interest, and two, it violates the kinship of the human family required for justice and prosperity in the world.

Indeed, fascism is a politico-economic system more pernicious than the slavery which poisoned our past, when the United States was an underdeveloped, agrarian nation—for fascism is associated with advanced technology, pervasive mass communication, which permits a much greater and more sophisticated capacity for oppression.

An adequate definition of fascism must recognize that, unlike slavery, it occurs in a highly developed nation. It is characterized by extreme concentration of private ownership of the major means of production, through government-backed privilege, control of supply and marketing, and dominance of government by private cartels—and all for the purpose of maximizing their profits, to the extent that maintenance of the system requires censorship of mass media, extreme suppression of opposition, barbaric oppression of a substantial part of its own population, and aggressive chauvinism in foreign policy, under conditions that permit an atrocious intensification of these evils.

Thus, in South Africa, the issue is not merely better employment, wages, education and material conditions for the black majority there. After all, blacks in American slavery had compulsory full employment, for instance

material well-being is not a full measure of freedom and justice.

So, let us understand clearly that whatever strengthens the South African economy, increases the power and stability of that fascist regime.

If disinvestment would also harm the oppressed of South Africa, who, on this floor would have opposed the American revolution or America's role in World War II because Americans would suffer injuries and loss of life? As one of America's greatest strategists of freedom and justice, Frederick advised more than a century ago: "We may not get all we pay for in this world, but we certainly pay for all we get."

Let us not compromise with fascism and thereby insult the ultimate sacrifices made in the fight against fascism in World War II.

It is not just the welfare of black South Africans that is at stake here. It is a test of America's commitment to democracy and liberty.

Therefore, it is not enough to simply cease investing in fascism. We must stop and divest.

□ 1620

Mr. SILJANDER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank the gentleman for yielding this time to me.

Mr. Chairman, this is perhaps the most important part of this debate on the Anti-Apartheid Act. We have a Member from Pennsylvania and a Member from California bringing to us two very important ways to resolve it.

I would say in tribute to the gentleman from Michigan [Mr. WOLPE], who has in his establishment role as the leader of this measure, and who has gotten it through to this point where we could get to this plateau, I want to thank him, because he realizes, as more Members do now, that this debate is now really about how fast the process of disassociation should occur. That is what we are talking about.

Should it move forward in a way that we can now guarantee disassociation with apartheid through no new investment, or should we face up to the inherent contradiction in not supporting total disinvestment in that the old investment is not just as bad as the new investment, it is worse. It is what is killing people.

Behind this approach for disinvestment is a long history of sanctions which is disinvestment from the United Nations, from the world body, the family of nations. We have been talking about this for a long time. This did not come up this spring or last year. South Africa has been the subject and object of sanctions for the last 20 years, so this is a very timely proposal whose moment has come.

Now I want to tell you how it is going to improve the Gray measure by voting for the Dellums substitute, because if we walk out of this Chamber, if we have the courage to replace this measure with the Dellums substitute, we will then be able to go to conference with an even stronger position. We have everything here. The other body voted sanctions on nuclear collaboration with South Africa before we did. When I brought my amendment up in the House yesterday, the committee in the other body had already acted.

So, Mr. Chairman, I am urging you to vote for the Dellums amendment. Seriously. Not one for the Black Caucus, not one to show that you were out there and then you are coming back to Wolpe-Gray, but to show that you understand that genocide and the war in South Africa has already begun and that this is a time process. Every month, every year that we say we will wait there are thousands of deaths involved.

Mr. Chairman, I think that if we examine the situation in South Africa closely we will realize that this measure is the most consistent with both our values and our long-term national interests.

There is a fundamental contradiction between embracing no new investment/bank loans as provided in under 1460 and not embracing disinvestment. No new investment/bank loans acknowledges that investment and loans do indeed support the apartheid system. If this is so, as I believe it is, then one cannot really defend the continued existence of current investments and bank loans.

For some time during the 1970's, I reluctantly adhered to the notion that U.S. firms in South Africa could blunt the cruelty of apartheid. But no longer. The past 20 years has clearly demonstrated that the net effect of foreign investment has been the strengthening of the apartheid structure.

U.S. economic investment in South Africa is highly capital intensive. While U.S. firms employ less than 1 percent of the entire black South African work force, they control the major segments of the highly sophisticated South African police state—70 percent of the computer market, 45 percent of the oil market, 33 percent of the automotive market all of which constitute the jugular vein of the highly sophisticated garrison state. Without these, South Africa could not maintain its racist political, social, and economic structures.

In addition, the United States today is the largest trader, second largest foreign investor, and the source of one-third of all international credit in South Africa. Those who argue that disinvestment would more hurt than

help the oppressed black South Africans clearly misperceive the fundamental nature of our investment in that country.

While the investment may benefit the relative few lucky enough to be employed by U.S. firms, millions upon millions of South Africans have become measurably worse off during a period in which foreign investment has increased.

Studies conducted on the relationship between foreign investment and the easing of apartheid, including one by the Carnegie Foundation, consistently tell of the fortification of the apartheid structure, increases in black impoverishment, and the general intensification of violent repression that has accompanied foreign investment in South Africa.

One study by Charles Simkins of Capetown University, found that the number of people below a minimum living standard on the Government created homelands increased from 4.9 to 8.9 million between 1960 and 1980, a period in which our investment increased approximately 900 percent.

We often hear the argument that if U.S. firms disinvest, some eager corporation that doesn't give a damn about human rights will buy up evacuated U.S. plants at fire sale prices. This is oversimplistic nonsense.

Were a major superpower like the United States with control over the major sectors of the South African economy to disinvest, it would so drastically change the investment climate so that the risk assessment would be dramatically increased. This coupled with the fact that the walls of apartheid will soon be tumbling down under the internal turmoil of a civil war would make it utter lunacy for a firm to invest in that country. Utter lunacy!

But don't just take my word for it. Listen to Harry Oppenheimer, the chairman of Anglo-American Co., perhaps the richest and most powerful corporation not only in South Africa but maybe the world. On Nightline several weeks ago he stated candidly but emphatically that no firm would scurry into South Africa in the midst of a major disinvestment campaign by the United States.

Just look at the actions of the South African Government. While it continually insists that disinvestment will have no impact on the internal affairs there, it has spent literally hundreds of millions of dollars to hire lobbyists to battle disinvestment legislation in the United States. Under its Terrorism Act, it has made the advocacy of disinvestment in South Africa an act of treason, a crime which can be punishable from 5 years in prison to death.

Indeed, it was only after the threat of disinvestment had been developed in the U.S. Congress, that Pretoria, for the first time, took any concessionary steps announcing, for instance, the

suspension of the homeland policy. While inconsequential, through these and other actions, Pretoria has unwittingly made it abundantly clear the extent to which disinvestment threatens to undermine the apartheid system.

In South Africa today there is widespread support for economic sanctions from the black South Africans themselves. Black labor, religious, and political leaders have taken the lead in this drive despite the threat of severe retribution by the state.

The two largest black trade union federations, the Federation of South African Trade Unions [FUSATU] and the Council of Unions of South Africa [CUSA], both recently issued strong statements calling for foreign disinvestment as have such other notable leaders over the years including Luthuli, Mandela, Boesak, Sisulu, Sobukwe, Biko, Tambo, Nuade, and Tutu. Labor leaders in particular have spoken against the low-wage haven that South Africa provides for foreign firms because blacks are paid one-sixteenth of their white counterparts.

Businesses in South Africa are already starting to recognize the foolishness of staying in South Africa. The Investment Responsibility Research Center has identified over 42 U.S. firms which have withdrawn their interests in operations in South Africa over the past 4 years including Amax Mining, Bethlehem Steel, Texas Gulf, Inc., Zapata Mining, and many others.

Look at the track record. Greater economic investment in South Africa has not led to any changes. From 1970 to 1981 U.S. economic involvement tripled. Since that time the pace of our investment has further accelerated. Amid this increasing investment, South Africa has violently reinforced its structures of racial domination, killing hundreds of unarmed civilians, accelerating the world's only homeland policy, whereby families are forcibly removed from their homes at gunpoint and relocated to barren reserves where death from starvation and disease are commonplace. Numerous studies have documented the increasing repression and violence that has historically accompanied increasing foreign investment in South Africa.

Mr. Chairman, several weeks ago, I met with Oliver Tambo, the President General of the African National Congress who confirmed to me that there are essentially two courses that can be followed in South Africa. Pretoria can recognize that it must negotiate the transition to a one-man-one-vote political system or there will soon be a violent civil war.

President General Tambo also reminded me, and history certainly confirms this, that Pretoria will never negotiate unless it is forced to, and that the most effective means of influencing Pretoria is through the threats of

economic sanctions from the West as it depends on this investment for the maintenance of its system.

Thus, economic sanctions and disinvestment is the most effective way that we can influence events toward the peaceful resolution and transition to a one-man-one-vote society. Anything short of this can only encourage Pretoria's intransigence and thereby reinforce the pressures toward a violent civil war in which the inevitable postapartheid government is less likely to be friendly to the United States. Both our national interests and values require that we withdraw from South Africa.

We must also stop and ask ourselves how will U.S. firms be treated as the tendencies toward violent civil bloodshed increase on a daily basis—firms which in the South African's eyes are in tacit collusion with the apartheid machine? The managing director of Goodyear Tire & Rubber Co.'s South African subsidiary predicts that, "foreign companies are going to be the target. That is where the dissident blacks will focus. We are right in the tinderbox."

The choice is clear. To remain in South Africa is to reinforce the tendencies toward a violent and bloody civil war, to risk alienating the hearts and minds of the South African people, and to make it more likely that the inevitable postapartheid government will for generations be a foe of the United States, in which case U.S. firms would then be forced out on a one-way ticket. To disinvest, on the other hand, is to assert ourselves clearly on the side of the South African people, a policy which will be consistent both with our principles and long-term interests.

Time is running out in South Africa for the fanatic white minority and its malevolent mechanisms by which it creates phantom homelands and administers the legalized enslavement of 22 million blacks.

Mr. SILJANDER. Mr. Chairman, I reserve the balance of my time but would urge the gentleman from California, if he has any time he would like to yield, to please proceed.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Texas [Mr. LELAND].

Mr. LELAND. I thank the gentleman for yielding this time to me.

Mr. Chairman, very quickly, I appreciate the gentleman from California giving me this opportunity to do what is right. This body ought to do what is right. It ought to do the moderate thing like vote for total divestment in South Africa. It is moderate, Mr. Chairman, because we are not asking for millions of dollars to finance a war, a Contra, if you will, to the Government of South Africa. It is moderate



because we are talking about doing something that is nonviolent. We are talking about doing something that is in favor of saving human lives and not destroying them.

Mr. Chairman, I would hope that this body would understand the words of the gentleman from California, who stands here with an empathetic voice. He happens to be black and he talks about his upbringing. Let me tell you about mine.

Four decades ago I was born in this country. I had to fight racism and discrimination and oppression because I was black, and as I began to mature and grow up in this society, I became a civil rights activist and I worked in the 1960's and the 1970's to do what was right on behalf of black people, and now, in this Chamber, I am available, with the facility to do what is necessary to fight racism and discrimination not only in this country but in the world.

It is only right for us to have that opportunity. In South Africa, black people cannot stand in the well of the Parliament there to ask for their freedoms, or to even raise opposition to the atrocities that are committed on them.

It is a horrendous perpetration of racism and brutality and murder on the people. Over 300 people in the last 6 months or so have been killed there, just because they have stood up and said, "I want to be free."

We have to be Americans today and do what is right and nonviolent and moderate, and support the Dellums substitute. It is moderate to talk about nonviolence and to go to the extreme of that nonviolence and say that we do not want any more investments. It is a privilege that is bestowed on the American corporate structure in this Nation, the free enterprise system that has been given to them to be allowed to do business in South Africa. Let us rip that privilege away from those people who are so abrasive to the humanity of the people in South Africa in the majority there who have absolutely no right to determine their destiny.

Mr. Chairman, when 22 million people are denied the right to vote, are arrested for their attempts to be treated with some human dignity, or when some are shot in the back and killed on their way to funerals, our great Nation can no longer afford to remain silent.

Yet, the present administration has chosen to remain silent regarding the horrendous treatment of the majority of South Africans by the South African Government.

Time and time again, the public is assured by the administration that the U.S. policy of "quiet diplomacy" is working, that reforms are being achieved. Cosmetic changes have occurred, but nothing has occurred that

eases in anyway the pain and suffering 22 million people live with on a daily basis.

The Reagan administration has chosen to be deaf and blind toward the plight of the majority of South Africans. We, the Members of Congress, as true representatives of the American public, cannot afford to share the handicaps of the administration. We cannot \* \* \* we must not be deaf and blind to the suffering of humanity.

There are no words which can adequately express the moral outrage I feel over the fact that in the late 20th century, millions are still subject to discrimination based on the color of their skin, and worse yet that millions condone this discrimination with their silence.

But rhetoric alone will not save South Africa. Action must accompany our words of condemnation against the most brutally racist regime in the world.

That is why I stand before you today, pleading for the United States to demonstrate its unity in dismantling apartheid, the ultimate quelling of democracy.

Constructive engagement has not worked, does not work, nor will it ever work. Computer sales to the South African Government, as well as sales of aircraft and nonlethal goods to South Africa's military and police have increased during this period of quiet diplomacy. What do these actions tell the world about the morality of the United States? How can we claim apartheid is repugnant and still do business with those who perpetrate this repugnant system?

I strongly feel that as a moral people, the United States should not permit new loans or credits to the Government of South Africa. Nor should we allow new investments, sales of computers, software, and technology, or the importation of South African Krugerrands.

If enacted, the sanctions proposed in H.R. 1460 will do much to bring about the destruction of apartheid in South Africa. But I strongly feel our Nation has the moral obligation to do all in our power to dismantle this evil system.

I, therefore, strongly support the amendment offered by the gentleman from California [Mr. DELLUMS]. This amendment calls for complete disinvestment, as well as a ban on all existing loans and holdings in South Africa. The amendment further prohibits the export of any goods or technology as well as a prohibition on the takeoff and landing of South African aircraft in the United States.

I particularly believe there is a great need for a provision banning South African landing rights. Even with the support of many of my colleagues and the good people of Houston, it took nearly 3 years to put a halt to South

African Airways from flying in and out of my home district in Houston. With this proposed ban, others would not face the same uphill battle we faced in Houston.

The sanctions proposed in the legislation being debated here today are not sanctions that were decided in a haphazard manner. They are sanctions which concretely reflect our moral objection to apartheid and its perpetrators.

Unless we act now and enact these sanctions against the Government of South Africa, quiet diplomacy will continue and so will the moral and physical extermination of a people.

Mr. SILJANDER. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. I thank the gentleman for yielding this time to me.

Mr. Chairman, I must say the debate in many respects makes me feel like a young man again, because as the previous speaker indicated, it brings back memories of my college years and the civil rights movement and the whole apartheid issue, I think, haunts some of us because we see some of the perils. Perhaps it is hard for us to deal with it objectively because so much of our own history is intertwined in this issue.

I saw apartheid for the first time about 25 years ago when I was a junior in high school and came as a student to this Capitol, with separate drinking fountains, separate wash rooms. That is the first time I saw rigid division of the races that was institutionally and governmentally sanctioned.

But I saw it again later, some 8 years later, after I spent 2 years as a Peace Corps volunteer, and then before coming home I went back to spend a month in South Africa. I went to see Byers Naude, the head of the Council of Churches, who has been historically one of the great, outspoken critics of that regime. I went to him because as an Evangelical Protestant, with all those fundamentalist overtones and all the tying of the political right with the religious right, I wanted to see this man who looked at things in a different way.

I will tell my colleagues, he is a true man of God, and he changed my life. That man, within 2 weeks after I had seen him—I hope there was no connection—was banned, put under house arrest, and he suffered that kind of attack by the Government for 20 years.

Then ironically, last year, Allen Bosak lived three blocks from me when he spent a year in my home district in Grand Rapids, which is composed of 35 percent people who are Dutch Reformed, to use the vernacular or the colloquial term, Christian Reformed, Reformed Church people of Dutch descent who have very close

familial ties with the alliance of the Dutch Reformed Churches in South Africa.

□ 1630

Now, I have followed these people. I prayed with these people and for these people. I hope that those who sponsored and support this amendment do not by any means interpret the opposition that some of us have as to the means to employ would in any way lend support for the apartheid system. I think that is critically important. This debate has been one of the most constructive, literate, and, I think, positive and well-intentioned debates I have heard since becoming a Member of this body.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HENRY. I just have 30 seconds left, and I cannot yield, I am sorry to say to my colleague.

Mr. Chairman, let me say just one other thing. Having lived in Africa, let me point out that my mother was rescued, physically saved, as the daughter of a missionary in Africa by what would then have been called a native black nurse, a native of the country.

I have followed this. I have agonized over it. I have dealt with it. I cosponsored one of the public divestiture bills in the State house in Michigan which passed relative to divesting public institutions.

I think, however, there are any number of discrete steps that have to be taken, one at a time, to keep turning the screws. What concerns me, both about the substitute and the main bill as it stands, is that we shoot our wad all at once and that leaves us no leverage for the next step down the road.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. HENRY] has expired.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to my colleague, the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I rise in support of the Dellums amendment.

This amendment which mandates immediate and total divestment for all American individuals and corporations is in no way extreme. This amendment represents a forthright and meaningful step but it is a nonviolent and moderate action. What we are saying through this amendment is that the South African apartheid is an abomination on the face of the Earth and therefore everything other than going to war should be done to pressure the Union of South Africa into joining the civilized world. We are calling for the utilization of the economic power of America to end an evil which causes undue pain and hardships for more than 25 million human beings. As the richest country that has ever existed in the history of the world, the United

States could now set a precedent for all others to follow. By making this substitute a law, we will initiate a new kind of nonviolent warfare. Without guns or bombs we will strike a decisive blow for freedom.

In the name of freedom we invaded Grenada. In my opinion this was a mistaken use of force and a violation of international law. In the name of freedom we have imposed an economic embargo on Nicaragua. We also propose to continue aid to rebels seeking to overthrow the Government of Nicaragua. In the name of freedom the Reagan administration has even threatened armed intervention in Nicaragua. I am firmly opposed to these threats of violent intervention under any circumstances. Violence should be ruled obsolete as a productive means of achieving justice. But this amendment proposes an intensified program of nonviolence. This amendment proposes to use the economic power of America against the racist government of South Africa. This amendment proposes a show of massive nonviolence power to achieve freedom for the overwhelming majority of the people of South Africa. This amendment does not represent a violation of international law or any interference in the domestic affairs of another country. This amendment is directed toward other Americans and calls upon them to cease-and-desist actions which give aid to a government which is hostile toward the ideals of the American way of life.

Not a single shot will be fired as a result of this piece of legislation. But total divestiture by all American investors would signal the beginning of the end for apartheid. There is no need to wait. The use of our total American moral force is long overdue. I urge all of my colleagues to vote for the Dellums substitute. This Congress must provide leadership for the rest of the free world.

Mr. DELLUMS. Mr. Chairman, I now yield such time as he may consume to the distinguished gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Dellums substitute.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. Mr. Chairman, I rise in support of the Dellums amendment, which I think is a magnificent gesture.

● Mr. CROCKETT. Mr. Chairman, I strongly support the Dellums amendment on total and immediate divestment of funds from corporations that invest in South Africa. I support this amendment and the Antipartheid Act

of 1985, not because I believe it will force South Africa to end its repressive policy of racial segregation, but because this action will signal a divorce of the United States from its silent support of apartheid through its policy of constructive engagement. In short, it brings the United States back on the right side of the issue.

The Dellums amendment, as with the current Free South Africa demonstrations and protest, is but a last-ditch effort on our part to tell the Pretoria government that time and the fuse grow short, that it is imperative for the Pretoria government to begin meaningful negotiations with black South African leaders for a fully representative political system and an end to racial and ethnic discrimination.

And the crucial question for us in all this is the role America will play. Will our country be credited with having helped the black South African to achieve freedom in his own country or will we be seen, as so often has been the case, as having strengthened the status quo by doing nothing positive to foster change.

The Dellums amendment gives a positive response, and I fully support it. ●

The CHAIRMAN. The Chair will state that the gentleman from California [Mr. DELLUMS] has 30 seconds remaining.

Mr. DELLUMS. Mr. Chairman, may I inquire as to how much time my distinguished colleague on the other side of the aisle has remaining?

The CHAIRMAN. The gentleman from Michigan [Mr. SILJANDER] has 5 minutes remaining.

Mr. DELLUMS. Mr. Chairman, is it customary that the offeror of the amendment close the debate?

The CHAIRMAN. The Chair would advise the gentleman that the gentleman from Michigan [Mr. SILJANDER] is in fact representing the committee which opposes the gentleman's amendment, so, therefore, he would have a procedural right to close debate on the amendment.

Mr. DELLUMS. I understand, Mr. Chairman.

The CHAIRMAN. The gentleman should avail himself of his last 30 seconds at this point.

Mr. DELLUMS. I thank the Chair.

Mr. Chairman, may I inquire, would my distinguished colleague yield 1 additional minute to me?

Mr. SILJANDER. Mr. Chairman, I will yield an extra minute of my time to the gentleman from California [Mr. DELLUMS], as he has been fair and attentive to this entire debate. So now the gentleman has a minute and 30 seconds.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. DELLUMS] for 1 minute and 30 seconds.



Mr. DELLUMS. Mr. Chairman, as we close this debate, let me say to the members of the committee that, in the words of Bishop Tutu, it is often extraordinarily difficult to put into words one's feelings, and when I look at black people dying and suffering in South Africa, I ask, why? We have dropped bombs on no one, we have harmed no one in the world, and yet for some incredible reason, black people have suffered at an extraordinary level all over the world, and at this point it is heightening in its intensity in South Africa.

I have offered a proposal today in no paternalistic fashion whatsoever because I am not doing it out of a missionary spirit and because I believe taking a stand against apartheid, with as much power and courage and conviction as one can, is as important to the healing and the well-being of this country as it is to the healing and well-being of the people in South Africa.

So it is for both of those reasons that I think it is important for all of us here to unite in a magnificent statement. I applaud the efforts of my distinguished colleagues, but I understand that I am outside that consensus and have been for the 14½ years that I have been here. My role has been as a progressive person to stand out and to try to be on the cutting edge, but it becomes very frustrating and incredibly painful if the only role one plays is to be out on the cutting edge while other people tend to congregate in the middle of our political spectrum. I wish that all Members on this issue would come to this position and take a stand, take a stand for America, and take a stand against what is happening in South Africa and for the evolution of human rights across this entire planet.

Again, Mr. Chairman, I thank my colleague for yielding extra time to me.

The CHAIRMAN. The time of the gentleman from California [Mr. DELLUMS] has expired.

The gentleman from Michigan [Mr. SILJANDER] has 4 minutes remaining.

Mr. SILJANDER. I thank the Chair. Earlier in the debate there have been various accusations thrown this way, and there was no time for me to respond, so I would like to use this time to do that.

How can I be opposed to sanctions? That was the question presented to me. Just 6 months ago I signed a letter saying I could support future sanctions. That was by the gentleman from New York [Mr. SOLARZ]. I want to respond to that question, as I had no time to do so before.

I am offering very stiff sanctions, the toughest sanctions of all, with the Siljander approach. That sanction is offering opportunity to blacks. That is

the worst of all sanctions against the Government, from my point of view.

He also called for an immediate end to the violence, the appalling violence, and he said in 6 months, 240 blacks had been killed and many, many dissidents had been jailed, and how could I, in the face of these killings and the rest, sign such a letter and then oppose such an approach as the gentleman from Pennsylvania [Mr. GRAY] is proposing?

If the gentleman from New York is suggesting that somehow, in the remotest stretch of the imagination, I condone this violence, I am appalled by this suggestion. I hope that he understands that I am certainly not condoning that violence.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I will not yield.

How does GRAY and the bill that the gentleman from New York purports to support really stop the violence in South Africa? How can the bill he supports effectively change the killings and the putting of blacks in prisons? How does his approach effectively change that?

What he suggests is putting more blacks out of work, creating more hunger, and creating more poverty, and, after all, is that not what all the riots are about? The riots are not about disinvestment, they are about jobs, they are about security, they are about the future, they are about human rights, they are about suffering. To advocate more suffering is an answer, but the wrong answer.

Who are we trying to fool by suggesting that that approach, which as the Washington Post clearly puts it today, is only symbolic at best? How can we honestly tell the listeners to this debate that this symbolic approach will do anything to change the course of history in that country? It is as equally misguided, in my opinion, as the suggestion by the gentleman from New York just the other day that his visit of a week or so about a year ago, talking with those on the right and those on the left, is somehow more empirically based in terms of public opinion than more scientifically based polls.

I think the right response is to build, to build the very things that brought blacks from slavery to freedom, and that is the vision of opportunity.

I would like to quote from someone whom many of us in this Chamber considered a very important man, one who fought for freedom for blacks in this country, Martin Luther King. He said: "New laws are not enough. The emergency we now face is economic. It is a desperate and worsening situation. In our society," he continues, "it is murder psychologically to deprive a man of a job or of his income. You are in substance saying to that man that he has no right to exist."

Mr. Chairman, I, as Martin Luther King, believe that any man, black or white, red or yellow, or brown, has a right to exist, has a right to freedom, and has a right to opportunity. I just do not feel that the comments of the gentleman from New York and the bill he supports will offer opportunity to the black citizens of South Africa.

The CHAIRMAN. Does the gentleman from Michigan [Mr. SILJANDER] yield back the balance of his time?

Mr. SILJANDER. I do, Mr. Chairman.

□ 1640

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. SOLARZ. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. SOLARZ. Mr. Chairman, I withdraw my point of order of no quorum.

Mr. WOLPE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. WOLPE. Mr. Chairman, I withdraw my point of order of no quorum.

The CHAIRMAN. A sufficient number has arisen for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 345, answered "present" 1, not voting 10, as follows:

[Roll No. 139]

#### AYES—77

Ackerman	Garcia	Ortiz
Addabbo	Gejdenson	Owens
Akaka	Gonzalez	Panetta
Bates	Gray (IL)	Perkins
Berman	Hawkins	Price
Boxer	Hayes	Rahall
Brown (CA)	Hoyer	Rangel
Bryant	Jacobs	Richardson
Burton (CA)	Kastenmeier	Rodino
Bustamante	Kildee	Roybal
Clay	Kostmayer	Russo
Collins	Lantos	Savage
Conyers	Lehman (CA)	Schroeder
Coyne	Lehman (FL)	Sikorski
Crockett	Leland	Stark
Dellums	Levine (CA)	Stokes
Dixon	Lowry (WA)	Studds
Downey	Markey	Torres
Dymally	Matsui	Towns
Edgar	Mikulski	Trafficant
Edwards (CA)	Miller (CA)	Waxman
Evans (IL)	Mineta	Weiss
Fazio	Mitchell	Wheat
Foglietta	Moody	Wise
Ford (TN)	Morrison (CT)	Yates
Frank	Oakar	

#### NOES—345

Anderson	Archer	Badham
Andrews	Armey	Barnard
Annunzio	Aspin	Barnes
Anthony	Atkins	Bartlett
Applegate	AuCoin	Barton

Bateman  
Bedell  
Beilenson  
Bennett  
Bentley  
Bereuter  
Bevill  
Biaggi  
Billirakis  
Billey  
Boehlert  
Boggs  
Boland  
Boner (TN)  
Bonior (MI)  
Bonker  
Borski  
Bosco  
Boucher  
Boulter  
Breaux  
Brooks  
Broomfield  
Brown (CO)  
Broyhill  
Bruce  
Burton (IN)  
Byron  
Callahan  
Carney  
Carper  
Carr  
Chandler  
Chappell  
Chappie  
Cheney  
Clinger  
Coats  
Cobey  
Coble  
Coelho  
Coleman (MO)  
Coleman (TX)  
Combust  
Conte  
Cooper  
Coughlin  
Courtner  
Craig  
Crane  
Daniel  
Dannemeyer  
Darden  
Daschle  
Daub  
Davis  
de la Garza  
DeLay  
Derrick  
DeWine  
Dickinson  
Dicks  
DioGuardi  
Donnelly  
Dorgan (ND)  
Dornan (CA)  
Dowdy  
Dreier  
Duncan  
Durbins  
Dwyer  
Dyson  
Early  
Eckart (OH)  
Eckert (NY)  
English  
Erdreich  
Evans (IA)  
Fascell  
Fawell  
Feighan  
Fiedler  
Fields  
Fish  
Flippo  
Florio  
Foley  
Fowler  
Franklin  
Frenzel  
Frost  
Fuqua  
Gallo  
Gaydos  
Gekas  
Gephardt

Gibbons  
Gilman  
Gingrich  
Glickman  
Goodling  
Gordon  
Green  
Gregg  
Groteberg  
Guarini  
Gunderson  
Hall (OH)  
Hall, Ralph  
Hamilton  
Hammerschmidt  
Hansen  
Hartnett  
Hatch  
Hatcher  
Hefner  
Heftel  
Hendon  
Henry  
Hertel  
Hiler  
Hillis  
Holt  
Hopkins  
Horton  
Howard  
Hubbard  
Huckaby  
Hughes  
Hunter  
Hutto  
Hyde  
Ireland  
Jeffords  
Jenkins  
Johnson  
Jones (NC)  
Jones (OK)  
Jones (TN)  
Kanjorski  
Kaptur  
Kasich  
Kemp  
Kennelly  
Kindness  
Kleczka  
Kolbe  
Koiter  
Kramer  
LaFalce  
Lagomarsino  
Latta  
Leach (IA)  
Leath (TX)  
Lent  
Levin (MI)  
Lewis (CA)  
Lewis (FL)  
Lightfoot  
Lipinski  
Livingston  
Lloyd  
Loeffler  
Long  
Lott  
Lowery (CA)  
Lujan  
Luken  
Lundine  
Lungren  
Mack  
MacKay  
Madigan  
Manton  
Marlenee  
Martin (IL)  
Martin (NY)  
Martinez  
Mavroules  
Mazzoli  
McCain  
McCandless  
McCloskey  
McCollum  
McCurdy  
McDade  
McEwen  
McGrath  
McHugh  
McKernan  
McKinney  
McMillan  
Meyers

Mica  
Michel  
Miller (OH)  
Miller (WA)  
Moakley  
Molinari  
Mollohan  
Monson  
Montgomery  
Moore  
Moorhead  
Morrison (WA)  
Mrazek  
Murphy  
Murtha  
Myers  
Natcher  
Neal  
Nelson  
Nichols  
Nielsen  
Nowak  
O'Brien  
Oberstar  
Obey  
Olin  
Oxley  
Packard  
Parris  
Pashayan  
Pease  
Penny  
Pepper  
Petri  
Pickle  
Porter  
Pursell  
Quillen  
Ray  
Regula  
Reid  
Ridge  
Rinaldo  
Ritter  
Roberts  
Robinson  
Roe  
Roemer  
Rogers  
Rose  
Rostenkowski  
Roth  
Roukema  
Rowland (CT)  
Rowland (GA)  
Rudd  
Sabo  
Saxton  
Schaefer  
Schneider  
Schuette  
Schulze  
Schumer  
Seiberling  
Sensenbrenner  
Sharp  
Shaw  
Shelby  
Shumway  
Shuster  
Siljander  
Siskis  
Skeen  
Skelton  
Slatery  
Slaughter  
Smith (FL)  
Smith (IA)  
Smith (NE)  
Smith (NH)  
Smith (NJ)  
Smith, Denny  
Smith, Robert  
Snowe  
Snyder  
Solaz  
Solomon  
Spence  
St Germain  
Staggers  
Stangeland  
Stenholm  
Strang  
Stratton  
Stump

Sundquist  
Sweeney  
Swift  
Swindall  
Synar  
Tallon  
Tauke  
Tausin  
Taylor  
Thomas (CA)  
Thomas (GA)  
Torricelli  
Traxler  
Udall

Valentine  
Vander Jagt  
Vento  
Visclosky  
Volkmer  
Vucanovich  
Walgren  
Walker  
Watkins  
Weaver  
Weber  
Whitehurst  
Whitley  
Whittaker

Whitten  
Williams  
Wirth  
Wolf  
Wolpe  
Wortley  
Wright  
Wyden  
Wyllie  
Yatron  
Young (AK)  
Young (FL)  
Young (MO)  
Zschau

## ANSWERED "PRESENT"—1

Gray (PA)

## NOT VOTING—10

Alexander  
Campbell  
Dingell  
Edwards (OK)

Emerson  
Ford (MI)  
Gradison  
Spratt

Stallings  
Wilson

□ 1650

Mr. MCCAIN and Mr. HOWARD changed their votes from "aye" to "no."

Ms. MIKULSKI and Messrs. PANNETTA, GONZALEZ, EDGAR, and KOSTMAYER changed their votes from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

● Mr. DANIEL. Mr. Chairman, the racial policies of South Africa are repugnant and unacceptable to me. But to deny private investment in South Africa will in no way improve the status of the oppressed and could very well be counterproductive. Therefore, I do not intend to support this bill.

A sense-of-the-Congress resolution condemning the racial policies would be a more effective approach.●

● Mr. WIRTH. Mr. Chairman, I rise in strong support of H.R. 1460, the Anti-Apartheid Act of 1985.

It is time for the minority Government of South Africa to relinquish power to a democratic regime with full political rights for the blacks who make up the vast majority of the country's population. And it is certainly time for the Congress to legislatively encourage such a development.

The death tolls, the economic disruptions, and the social chaos in South Africa's urban and rural areas are mounting rapidly and show no signs of abating. The artificially contrived apartheid regime is unravelling, a fact that is clear even to the system's supporters.

The question now is: Will the white minority support an orderly transition to government based on democratic choice and the right of self-determination or will it maintain its siege mentality and resist change until the conflict degenerates into a bloody racial war? And just as importantly, from our perspective, what will our Government's role be in shaping the transition?

The answer to the first question is crystal clear. The Afrikaner govern-

ment should no longer control the black majority through oppression and must effect a prompt transition to democratic rule open to all people within South Africa's borders—and that includes the so-called independent homelands, such as Transkei and Bophuthatswana.

Of course, the Afrikaner government would counter that such a transfer will undoubtedly lead to a countrywide breakdown of order. That breakdown, however, is already occurring. The growing aspirations of South African blacks, coloreds, and Indians are meeting the increased oppression of the Afrikaner government with volatile results—and this volatility is spreading throughout the country like wildfire. Not only is there political unrest in townships like Soweto, but also in the rural areas, where open opposition to apartheid was previously sporadic and unorganized.

The white minority government can only respond by magnifying its oppressive policies authorized under the rule of apartheid. Those policies include murder, as the continued killing of black protesters throughout the country tragically demonstrates. These policies rely on the detention and torture of the system's opponents, as well as the strict control of internal movements by blacks under the pass laws and laws requiring the forced removal of black indigents from their ancestral homelands. Reports from independent human rights groups indicate that the intensity of the white regime's violent assault on the opponents of apartheid, and even those innocents caught in the conflict, is on the increase.

But that assault is not deterring the opponents of apartheid from continuing their just crusade. One example among many was the funeral march, less than 2 months ago, for 19 blacks murdered in Uitenhage on the 25th anniversary of the Sharpsville demonstrations and massacre—the march numbered 60,000 people. And it was led by men—Bishop Desmond Tutu and Rev. Allen Boesak—who can effect the peaceful transition which the minority government ostensibly desires. These men—these peaceful advocates of a prompt and nonviolent change in the way South Africa is governed—may well offer the last best hope for peace. I am convinced that if the Afrikaner government continues to resist change, violence will soon be seen by blacks as the only route to independence, and Bishop Tutu and Reverend Boesak will be cast aside in favor of less experienced and perhaps less stable rebels.

Given these conditions, it becomes clear what the U.S. role in shaping the transition should be. Through carefully managed economic sanctions, the United States must push the Afrikaner government to open the democrat-



ic process to all peoples of South Africa, as expeditiously as possible. For years, I have fought with many of my colleagues for tough economic sanctions against South Africa and now, for the first time, see the possibility that such sanctions may be approved by the Congress. One hundred and fifty-six of us in the House have cosponsored legislation that would ban new United States investment in South Africa, bank loans to the Afrikaner government, the import of Krugerrands, and the export of computer equipment and software to South Africa. This legislation, which is also drawing considerable support in the other body, would not completely undercut the South African economy, but it would send a powerful signal to the South African Government and white community that the United States, its one perceived ally, will no longer tolerate footdragging on the abolition of apartheid.

The administration has asked us to be patient with its policy of constructive engagement that relies on quiet diplomacy to achieve social and political change in South Africa. Yet we cannot afford to remain quiet while South African riot police shoot down blacks who rightly protest a system that denies them basic civil rights and degrades them because of their racial inheritance. We cannot remain silent so long as blacks, coloreds, and Indians are deprived of their right to self-determination through open democratic rule.

Instead, we must act forcefully to dissociate ourselves from the Afrikaner government and its system of apartheid. The opportunity exists—now and perhaps only now—to help the black majority in South Africa throw off the shackles of apartheid and engage in a peaceful transition to open democratic rule.

I urge my colleagues to vote for H.R. 1460, and against any amendments or substitutes that would dilute our efforts to hasten the demise of apartheid.

● Mr. BIAGGI. Mr. Chairman, as a cosponsor of this legislation I compel my colleagues to take the responsible and morally right position and vote for the Anti-Apartheid Act of 1985.

Let us review some of the basics involved in this issue. What is not at issue is the fact that the South African Government's system of apartheid is an outrage, a moral affront to civilized society and a system which deserves the moral condemnation it has received from many quarters. What is at issue is how best the United States can assist in its amelioration. I contend that the approach embodied in this legislation offers the soundest and most meaningful approach.

It is important to note that this does not represent our first involvement in legislation to end apartheid. The pre-

vious administration, led by Jimmy Carter, had a sincere commitment to human rights. This commitment was backed by action and not just words. The Carter administration tightened restrictions on U.S. exports to the South African Government, as well as imposing an embargo on the sale of goods and technical data to its military and police, and banning the sale of computers to all South African Government agencies.

What is central to our deliberations today is precisely what policy approach should we be taking. Should it be in the activist vein or should we rely on a more quiet and diplomatic approach. I believe the answers rest on one primary consideration—whichever one works the best to achieve the goal of dismantling apartheid. The administration's policy, which goes under the curious name of "constructive engagement," in and of itself has done little to improve conditions for the black majority in South Africa. Its reliance on working with the South African Government, but by decreasing pressure on it to make reforms, has in fact contributed to not only the prolongation but the intensification of some of the more heinous aspects of apartheid in South Africa.

Where is the incentive for the South African Government to change its policies? Where is the stick that goes with the obvious carrot that is being extended? I believe our action today is a referendum on whether we should continue our present policies with respect to South Africa or move to another approach.

I believe the provisions contained in this legislation are responsible and have teeth. They are in fact true economic sanctions as compared to hollow threats. The four sanctions in the aggregate could have a significant impact on South Africa. H.R. 1460 would impose a ban on loans to the South African Government, as well as any new investment in South Africa. It would further impose a ban on the importation of South African Krugerrands and would ban the sale of computers to the South African Government.

As any responsible sanction bill should, H.R. 1460 would permit the President to waive for a limited period the prohibitions related to new investment and gold coins if the South African Government meets any one of eight conditions. They are:

Elimination of policies that prohibit black employees and their families from living in family accommodations near their place of employment.

Elimination of "influx control" policies that restrict blacks from seeking employment where they choose, and that in turn prevent them from living near where they find employment.

Elimination of policies that make distinctions between the South African nationality or blacks and whites.

Ending the removal of black populations from certain locations for reasons involving race or ethnic origin.

Elimination of all residence restrictions based on race or ethnic origin.

Enter into negotiations with representative leaders of the black population for a new nondiscriminatory political system.

Reach an internationally recognized agreement on Namibia.

Free all political prisoners.

The waiver, I should note, is not an automatic process. Both the House and Senate must adopt a joint resolution accepting the President's determination that the South African Government has met one or more of these conditions before sanctions are waived.

Appropriately, the bill establishes a series of stiff fines for individuals and organizations who violate sanctions once imposed. Unless one is prepared to back sanctions with appropriate penalties, they lose a great deal of their effectiveness and meaning.

I support this bill, as reported by the committee, as a balanced approach between two conflicting schools of thought as to what we must do. One school would acknowledge the inherent failure of our existing policy and would establish diversionary devices such as commissions to conduct studies on how the South African Government is doing in eliminating apartheid. A related approach would shorten the period of time to study this problem by 1 year and would hold out the prospect of imposing sanctions at that time. The other school of thought is far more activist in nature. It would bar any U.S. individual, business, or organization from making or holding any investment in South Africa. It does and would embody a complete divestment approach of all U.S. assets from South Africa. While I do have sympathy with this approach, I would prefer to consider it at a later date after we have been allowed to assess the impact of the approach provided for in the bill before us today.

What is evident is that we must become more active in speeding the demise of the moral travesty known as apartheid. We cannot expect to be effective simply by issuing a series of harsh statements. Any government which can sanction the morally bankrupt policy such as apartheid will most certainly not be persuaded by mere moral condemnations by nations including the United States.

If an individual believes that the South African Government is committed to change and improvements, then they should not support this legislation. If someone believes that the "reforms" enacted by the South African Government are really a move away

from apartheid, then they should not support this bill. If a person believes that parliamentary elections agreed to by the South African Government, but which produces an entity which bars admission by blacks, is proper, then they should not support this bill. If a person is not affected by the fact that more than 3,000 blacks have been killed opposing apartheid, then they should not support this bill.

I, however, plan to vote for this bill and work for similar action by the other body so the President is forced to make a decision on signing it into law. For those who contend that sanctions would hurt those we are trying to help; namely, the black majority, let it be noted that many black South Africans believe that even if the sanctions result in some limited hardships in the short run, that sacrifice is worth the longer term benefits which will ultimately result.

Finally, it should be noted that we would not be alone in taking such actions. The nations of Japan and Sweden have already invoked economic sanctions against South Africa. Our Nation, as the recognized world leader on behalf of freedom, dignity, and human rights for all, cannot allow itself to remain in the hypocritical position of opposing apartheid, but doing nothing decisive about it. Let us keep in mind the views of the Nobel Peace Prize winner, Bishop Tutu, in a recent interview. He said:

I am calling for pressure from overseas; not yet for disinvestment. I will do so within the time span I have given if no significant change has happened to show that apartheid is being dismantled.

I urge the passage of this bill and close with this observation. For those of my colleagues who support this legislation and oppose the type of institutional discrimination that is apartheid, I urge you to consider a very similar situation which is happening today in the six counties of Northern Ireland. Perhaps the difference is the group victimized in Northern Ireland—the Catholics—are the minority as compared to South Africa where the aggrieved are the majority. However, the inherent discriminatory natures of the policy of apartheid and direct rule by Britain over Northern Ireland are producing the same tragic economic and social results. As in the case of South Africa, our Nation does business with the governments who maintain the policies; in Northern Ireland to a much greater extent than in South Africa. However, in both cases it behooves us to take whatever steps are necessary to ensure that we are not in any way subsidizing with our dollars the continued discrimination of any group in any nation. I do not advocate the imposition of sanctions in Northern Ireland at this time. However, I do believe at the very least that the position as articulated by the Irish Nation-

al Caucus bears some support. They are calling upon all American firms doing business in Northern Ireland to subscribe to the MacBride principles of nondiscrimination which I want to insert at this time:

1. Increasing the representation of individuals from under-represented religious groups in the workforce including managerial, supervisory, administrative, clerical and technical jobs.
2. Adequate security for the protection of minority employees both at the workplace and while travelling to and from work.
3. The banning of provocative sectarian or political emblems from the workplace.
4. All job openings should be publicly advertised; and special recruitment efforts should be made to attract applicants from underrepresented religious groups.
5. Layoff, recall, and termination procedures should not in practice favor particular religious groupings.
6. The abolition of job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.
7. The development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of all categories of minority employees.
8. The establishment of procedures to assess, identify, and actively recruit minority employees with potential for further advancement.
9. The appointment of a senior management staff member to oversee the Company's affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

As the chairman of the Ad Hoc Congressional Committee for Irish Affairs, I implore my colleagues to evaluate this situation with the same keen and compassionate eye as we do with respect to South Africa.●

● Mr. MATSUI. Mr. Chairman, South Africa's policy of apartheid represents vicious, institutionalized racism, and it is a practice that will not end with the administration's policy of "constructive engagement." The fact is constructive engagement is a failed policy, and the time has come to stop providing support to a nation whose practices so completely bely our own democratic traditions of fairness and equality under the laws.

Mr. Chairman, economic sanctions can be a legitimate tool of foreign policy, and I am convinced that this would be an appropriate and effective means to bring about change in South Africa. It would, in any case, leave no question where the United States stands on the abhorrent policy of apartheid.

The Anti-Apartheid Act of 1985 would impose four major economic sanctions against South Africa. These sanctions are just and represent a critical first step in disassociating the United States from the cruel and racist policies of South Africa. I urge adoption of this legislation.●

● Mr. MILLER of California. Mr. Chairman, I rise today in strong support of H.R. 1460, the Anti-Apartheid Act. It is obligatory that this Congress repudiate the tolerant attitude of the administration toward racial discrimination in South Africa, and instead declare ourselves full partners in the effort to end apartheid.

This past April, as the chairman of the Human Rights Task Force during the Speaker's visit to the Soviet Union, I told the leaders of the Soviet Government how vigorously we object to their discriminatory policies against racial and religious minorities. In a speech to members of the Supreme Soviet, I said something which is very appropriate here this afternoon.

Human rights, I said, are "inseparably linked to all other issues. On this we will not bend. As Abraham Lincoln declared, 'Important principles may and must be inflexible.'"

We sent that message to the Soviet Union. Today, by passing H.R. 1460, we can send that same message to the Government of South Africa.

The bill before us, H.R. 1460, follows in our national traditions of peaceful change and human rights. Political, economic, and social sanctions established by this act will emphasize our vigorous objection to apartheid, and will promote our position as defenders of personal freedom and human rights throughout the world.

This bill includes incentives to the South African Government to end its official policy of racial discrimination, providing a realistic means for achieving the elimination of these racist doctrines. But more than incentives are needed. H.R. 1460 also prohibits new U.S. investment in South Africa; halts U.S. bank loans to South Africa; bans the importing of South African gold coins into the United States; and halts the export of computer equipment to the South African Government.

Our present practice of "constructive engagement" is a weak, ineffective and inadequate means of bringing about the repeal of apartheid. We cannot separate military policy from apartheid; we cannot separate trade policy; we cannot separate cultural or sports policies. We cannot separate any of them from the issue of apartheid.

Similarly, efforts to dilute this legislation send an erroneous message to the proponents of apartheid and the opponents of racial justice in South Africa. Weakening this legislation, as would these amendments, suggests that the Congress of the United States is not serious in our revulsion for a system which denies basic human rights and justice to the black majority of South Africa.

I call upon all of our colleagues to reject apartheid and reject "constructive engagement." Let us instead em-



brace for black South Africans the same standards of justice that we claim for ourselves: Democracy, majority rule, and freedom for all the citizens of South Africa. ●

● Mr. GARCIA. Mr. Chairman, once again, I rise in support of H.R. 1460, the Anti-Apartheid Act of 1985. I am convinced that this bill offers a balanced effort to fight apartheid.

As my colleagues know, the bill imposes four sanctions against the Government of South Africa:

First, it prohibits all loans and credit to the South African Government;

Second, it prohibits all new investments in businesses in South Africa;

Third, it prohibits the importation of Krugerrands; and

Fourth, it prohibits the export of U.S. computer parts, programs, or other technology.

The bill would allow the President to waive the prohibition of Krugerrands and new investment for 12 months if the South African Government meets one of eight conditions outlined in the bill. These conditions are:

First, eliminate the prohibition of black employees and their families from living near their place of employment;

Second, eliminate the policy of prohibiting blacks from working where they choose and from living where they work;

Third, eliminate distinctions between South African nationality for blacks and whites;

Fourth, stop removal of black communities from certain areas simply because the residents are black;

Fifth, eliminate residence restrictions based on race or ethnicity;

Sixth, begin negotiating with members of the black community for the establishment of a nondiscriminatory political system;

Seventh, reach an internationally acceptable agreement on Namibia; and

Eighth, free political prisoners.

Further, for each additional condition met by the South African Government, the waiver can be extended for another 6 months.

I point out all these conditions to emphasize just how reasonable they are. No one is asking the South African Government to turn over power to their nation's majority community. No one, at this point, is asking for divestment or disinvestment. This bill, instead, is a well-crafted statement to the Government of South Africa, telling them that we will not accept the status quo.

Certainly, the administration's policy of "constructive engagement" was dealt two severe blows recently when South African commandos were apprehended in Angola, and when the Government of South Africa sent out a clear signal that it does not intend to allow Namibia to become independent.

The administration should be able to read South Africa's signals clearly enough. The Government of that nation is not to be trusted. Its word is, apparently, no more credible than its method for ruling.

We cannot change South Africa overnight. We cannot force them to eliminate apartheid, but we can make them pay a price for the continuation of that system. We are being reasonable with this bill, but at the same time, we are putting the Government of South Africa on notice that we will do all that is within our power—openly, directly—to make them understand just how reprehensible apartheid is to the people of this Nation.

I urge my colleagues to support H.R. 1460. ●

● Mr. KEMP. Mr. Chairman, for the record I want to just state my reasons for voting "no" on final passage today. No nation based on the self-evident idea that all beings are created equal in the right to rule themselves can be publicly indifferent to race discrimination in South Africa. To the extent that the policy of "constructive engagement" in South Africa implies keeping quiet about the evil of apartheid, it is wrong. Elie Wiesel, in a different context, spoke a universal truth when he stated, "Indifference to evil is evil." And make no mistake about it, apartheid is evil.

The United States, through the administration and through Congress, should be as clear about apartheid as Pope John Paul II was when he said recently that "No system of apartheid or separate development will ever be acceptable as a model for relations between people or races."

What is at issue in the legislation before us is not are we for or against apartheid. The real question is how to find the approach that can help undermine racial discrimination and move South Africa toward real social and political democracy and justice. I do not believe that the way to undermine apartheid is to bash the South African economy through unilateral sanctions. I don't believe that the way to help the victim of apartheid is to further victimize him or her by ruining the South African economy.

The key to achieving racial harmony, social justice, and political rights isn't by throwing black people out of work in South Africa—which this legislation, while nobly inspired would misguidedly encourage. My colleague and friend BILL GRAY often reminds me that lives are at stake, not just jobs, and he is right, we must save lives and jobs, they are not contradictions.

I would ask my colleagues whether they think unemployment is a bad thing for blacks in Detroit or Buffalo or Philadelphia, and yet a good thing for blacks in Johannesburg and Uitenhage. For make no mistake about it:

This legislation would throw blacks out of work in South Africa. And any proposal that would suddenly or slowly turn the screws on the South African economy may mean well, but is seriously mistaken.

My colleagues should recall something that thinkers as disparate as Adam Smith and Karl Marx have always emphasized: Industrial growth and commercial activity is the real engine of social change and political revolution. Recently Reverend Leon Sullivan said that we should give the Sullivan principles more time to continue what they have been doing successfully for some years already in integrating the workplace in South Africa. For those who think the Sullivan principles are ineffective, let me mention that not only are some U.S. companies adhering to the principles, but as Leon Sullivan points out, domestic South African companies that employ 1 million black workers have also adopted these rules.

And make no mistake: The Sullivan principles are a dagger at the heart of social apartheid, forcing total desegregation of factories and offices, equal pay for equal work, administrative and supervisory jobs for blacks who are now supervising whites, increased technical training, recognition of black labor unions, and support for schools, housing, and medical facilities development. The principles are capable of working a revolution in race relations in South Africa, and when you see South African companies imitating our businesses in that country, it should be obvious that the Sullivan ideas can be a tremendous force for racial integration and recognition of rights in South Africa, which is why I voted earlier to codify them in the law.

But it is certain that economic stagnation brought on by sanctions makes the easing of apartheid more difficult to achieve peacefully. Suppose this legislation led to less investment in South Africa, and the economy goes into a severe recession. Not only will black South Africans lose jobs, but white unemployment will rise as well. Black labor unions, which have only recently won legal recognition, would probably lose it, and the discriminatory laws would be intensified. Those at the bottom of the scale always have the most to lose when growth stops.

As I said, I would make the Sullivan principles mandatory for all U.S. companies in South Africa. More: I would suggest a diplomatic initiative to get other countries with large operations in South Africa to follow the Sullivan rules. South Africa should learn that the whole civilized world holds apartheid to be morally abominable.

One last point is fundamental: You can't instruct other nations about their rights by denying rights at home. We undermine the lesson of

freedom we intend to teach South Africa when we don't allow Americans to buy South African products. While there are limited actions the United States can take to expand human rights around the world, the single most powerful instrument remains what it has always been: Making the United States itself a model of human rights, of freedom, justice, and democracy, and keeping America what Lincoln called the "hope to the world for all future time [which] gave promise that in due time the weights should be lifted from the shoulders of all men, and that all should have an equal chance."

The United States must not run away from the struggle to fight for human rights in South Africa. But we must not punish black South Africans by shutting down their economies.

I respect the efforts of my colleagues who support this legislation, and I cannot in good conscience support actions that would have the effect of punishing black South Africans by taking away their jobs.

● Mr. RANGEL. Mr. Chairman, I rise to voice my full support for the Anti-Apartheid Act of 1985, and to commend my colleagues for working so hard to bring it to the floor of the House.

The Anti-Apartheid Act will turn the attention of this Nation and the world to the commercial links now existing between Western nations and the Republic of South Africa. Its focus is, of course, upon trade between the United States and South Africa, but its impact will extend beyond that singular context. Its impact will lie in the fact that the United States has had the courage to take the lead in bringing an end to the inherent contradiction of democracies doing business with apartheid.

We may ask, Mr. Chairman, why the United States should be at the forefront of the antiapartheid movement. Why should we end what is essentially a lucrative business arrangement?

Well, I would answer this by saying that the American people consider themselves to be a principled people. When the time has come, we have stood up to defend those principles, often at great cost in lives and resources.

Apartheid is nothing less than post-war neonazism. It is a racial ideology which relegates one racial group to a subordinate status for the benefit of another racial group. Both nazism and apartheid use this doctrine of racial supremacy to remove and concentrate large numbers of people in limited geographical areas. In Germany, the result was the Holocaust; South Africa has yet to reveal its final solution.

The pass laws, arrests, detentions, homelands, and violent suppression of free speech cannot last much longer without a bloody confrontation. We

must do what we can to prevent this confrontation, something beyond the administration's laissez faire constructive engagement failure.

The Anti-Apartheid Act will bring Pretoria to its senses. By hitting apartheid at its economic base, the United States will begin a process whereby South Africa will have to loosen the chains of apartheid if it wishes to take a place in the world community.

● Mr. MILLER of California. Mr. Chairman, the House of Representatives can take an important step by passing H.R. 1460, "The Anti-Apartheid Act." It is obligatory that this Congress repudiate the tolerant attitude of the administration toward racial discrimination in South Africa, and instead declare ourselves full partners in the effort to end apartheid.

This past April, as the chairman of the Human Rights Task Force during the Speaker's visit to the Soviet Union, I told the leaders of the Soviet Government how vigorously we object to their discriminatory policies against racial and religious minorities. In a speech to members of the Supreme Soviet, I said something which is very appropriate here this afternoon.

Human rights, I said, are "inseparably linked to all other issues. On this we will not bend. As Abraham Lincoln declared, 'Important principles may and must be inflexible.'"

We sent that message to the Soviet Union. By passing H.R. 1460, we can send that same message to the Government of South Africa.

The bill H.R. 1460 follows in our national traditions of peaceful change and human rights. Political, economic, and social sanctions established by this act will emphasize our vigorous objection to apartheid, and will promote our position as defenders of personal freedom and human rights throughout the world.

This bill includes incentives to the South Africa Government to end its official policy of racial discrimination, providing a realistic means for achieving the elimination of these racist doctrines. But more than incentive are needed. H.R. 1460 also prohibits new U.S. investment in South Africa; halts U.S. bank loans to South Africa; bans the importing of South African gold coins into the United States; and halts the export of computer equipment to the South African Governments.

Our present practice of "constructive engagement" is a weak, ineffective and inadequate means of bringing about the repeal of apartheid. We cannot separate military policy from apartheid; we cannot separate trade policy; we cannot separate cultural or sports policies. We cannot separate any of them from the issue of apartheid.

Efforts to dilute this legislation sent an erroneous message to the proponents of apartheid and the opponents

of racial justice in South Africa. Weakening this legislation, through adoption of these amendments, suggested that the Congress of the United States is not serious in our revulsion for a system which denies basic human rights and justice to the black majority of South Africa. And that would be very wrong and unfortunate.

I call upon all of our colleagues to reject apartheid and reject "constructive engagement." Let us instead embrace for black South Africans the same standards of justice that we claim for ourselves: Democracy, majority rule, and freedom for all the citizens of South Africa.

● Mr. ACKERMAN. Mr. Chairman, I rise in support of House Resolution 1460, the Anti-Apartheid Act of 1985. The measures mandated by this legislation would constitute a significant first step toward reversing the misguided course that the Reagan administration has charted for American policy in South Africa.

The hideous crimes that the Pretoria government continues to commit against its own people have been repeatedly glossed over by the President; his "quiet diplomacy" and "constructive engagement" are an insult to our intelligence and to our standards of morality. The dismal policy that this administration has compiled in southern Africa ignores the brutal realities of racist oppression, preferring to focus on the illusions dictated by economic and political expediency. In House Resolution 1460, the Congress has an opportunity to put the United States firmly on record as an active and committed opponent to the horrors of apartheid.

One important effect of the economic sanctions in the Anti-Apartheid Act will be the powerful symbolism of American leadership in the economic isolation of South Africa within the international community. Such financial pressure and ultimately the destruction of the apartheid system must occur in order to secure freedom for the black majority of that country.

Make no mistake, American economic sanctions can and will be effective if we act now. We all know that the South African Government relies heavily on its exports of gold for economic stability and foreign currency. In 1984, this precious metal accounted for fully one-fifth of all U.S. imports from South Africa, making it an excellent lever that we can use to force liberalization of the apartheid laws. House Resolution 1460 does exactly this, by prohibiting future importation into the United States of Krugerrands or any other South African gold coin.

Further, this legislation's features are designed to exploit the vulnerability of South Africa's dependence on U.S. economic support, by prohibiting the sale of American-built computer



components and software to that country. Clearly, American technology should not be used to prop up South Africa's apartheid system. This bill takes a step to remove their resource which does not belong in the hands of Pretoria's racist rulers. More than two-thirds of South Africa's computer business is based on the involvement of U.S. firms. House Resolution 1460 would end shipments of computer technology under present or future contracts, adding to the liberalizing pressure that this measure seeks.

Mr. Chairman, the white minority Government of South Africa must be made to realize that a "business as usual" attitude on apartheid is absolutely unacceptable to the community of civilized nations, and particularly to the American people. To this end, House Resolution prohibits all future loans and extensions of credit to the South African Government and its corporations. Here, too, we have a powerful lever: Over 25 percent of the 100 largest American banks have loans outstanding to the South African Government, totaling \$343 million. Still more significant is the sanction that House Resolution 1460 would place on future private investment in South Africa. The value of U.S. assets there is second only to that of Great Britain. The nearly \$7 billion that American firms have invested in or loaned to the South African private sector is yet another sorry example of how the United States has failed to take an active and unequivocal position against apartheid. Passage of House Resolution 1460 would help to correct that stance.

Several of my distinguished colleagues, surely with the best of intentions in mind, have mistakenly proposed amendments to the Anti-Apartheid Act that would seriously impair the movement toward liberalization that this legislation has the potential to achieve. House Resolution 1460 offers to Pretoria a carrot as an alternative to the stick: This measure is not simply a punitive one, but one that allows for—indeed encourages—the Government of South Africa to soften its apartheid laws. Movement in this direction must be our primary goal, and the legislation that we enact must not merely pay lip service to reform. Proposals to weaken this legislation by undertaking further "studies" of the apartheid system are misguided. We do not need any further commissions to examine this issue. The impact of apartheid is well known; it needs no further study. Rather, it needs to be swiftly dismantled with the active encouragement of the U.S. Government.

Mr. Chairman, the United States has substantial economic leverage over South Africa, leverage that House Resolution 1460 will judiciously and effectively begin to convert into freedom for South African blacks. Equally

substantial is the responsibility that this country bears, as the greatest democracy in the world, to promote liberty and freedom throughout the globe. Freedom for South Africa's blacks will not be forthcoming if we do not act decisively and unequivocally to make use of our leverage. The time for the President's ambivalence and half-measures is long past; the time for action in support of South Africa's oppressed black majority, with House Resolution 1460 as the cornerstone, is at hand. I enthusiastically support its passage. ●

● Mr. WYDEN. Mr. Chairman, I wish to state my strong support for the Anti-Apartheid Act.

The Anti-Apartheid Act will put pressure on the South African Government to end the cruel system of apartheid that exists in that country.

The administration's policy of friendly persuasion through constructive engagement has done nothing to improve the situation for the 22 million blacks in South Africa. In reality, violence and repression have significantly increased. The South African Government's package of reforms established as a result of constructive engagement is merely apartheid in another form. Constructive engagement has served only to align the United States with the South African Government in the eyes of the world.

It is time for real change in South Africa. The United States can no longer silently endorse the practices of the South African Government through the administration's policy of constructive engagement.

Many people in the world view the United States as the defender of freedom and human rights and as a sanctuary from violence and repression. In accord with our Nation's position in the world, we must vigorously and loudly demonstrate our dissatisfaction with the status quo in South Africa and work to dismantle the cruel injustice of apartheid. The Anti-Apartheid Act is the necessary step we must take to achieve the goal.

The sanctions the bill mandates will offer credence to U.S. Government statements of opposition to apartheid. These sanctions will not weaken U.S. leverage in South Africa but can help induce real reform.

The economic sanctions prohibit loans and extensions of credit to the South African Government and prohibit new investment in business enterprises. In addition, it includes a ban on importation of Krugerrands or any other gold coins minted or sold by the South African Government. Approximately half of all South African Krugerrand exports are sold in the United States. U.S. opposition to apartheid will be clearly understood if there is a ban on the importation of Krugerrands into our country.

I commend my colleague Mr. GRAY, for the excellent provision in the bill regarding waiver conditions. The conditions establish goals for the South African Government with regard to human rights. Among them—to eliminate policies that make distinctions between South African nationality of blacks and whites, stop the removal of black populations from certain locations for reasons involving race or ethnic origin, enter into negotiations with representative leaders of the black population for a new, nondiscriminatory political system and, free all political prisoners.

This is a strong and necessary bill that sends a clear message to the Government of South Africa—the United States abhors and will not condone the present status quo of apartheid.

I commend my colleagues for their hard work on this legislation and I give my complete support for the Anti-Apartheid Act. ●

□ 1700

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DE LA GARZA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1460) to express the opposition of the United States to the system of apartheid in South Africa, and for other purposes, pursuant to House Resolution 174, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. CRANE. I am, Mr. Speaker.

The SPEAKER. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CRANE moves to recommit the bill H.R. 1460 to the Committee on Foreign Affairs with instructions to report the same to the House forthwith with the following amendment:

Add the following at the end of the bill:

SEC. 15. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—Subject to subsection (b), the provisions of this Act and the amendment made by section 7 of this Act shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

(b) LIMITATION.—The provisions of this Act and the amendment made by section 7 of this Act shall not take effect if, not earlier than 30 days before the end of 1-year period referred to in subsection (a), the President certifies to the Congress that—

(1) the African National Congress has not renounced the use of violence by that organization in the achievement of its goals.

The SPEAKER. The gentleman from Illinois [Mr. CRANE] is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, frankly I do not think this is a particularly controversial recommendation to improve the quality of the bill. The African National Congress, for those Members who have not followed the affairs in South Africa, is an organization that some years ago joined forces with the South African Communist Party to provide for the violent overthrow of the Government of South Africa. I think it is the commitment to violence on the part of both the ANC and the SACP that should be a concern to each and every one of us. They have engaged in acts of terrorism, assassination of public officials and, in fact, some of their atrocities, worst atrocities, have been perpetrated against members of the black community in South Africa. I think, Mr. Speaker, that if the Members of this body seek to attempt to impose some meaningful change on public policy that there are a variety of kinds of violence that are engaged in, some of it nonphysical, that need to be addressed in this anti-apartheid resolution. But the ingredient of physical violence comes from elements not covered. And it is this violence that must concern us as much as any other because of our desire to improve conditions on the African Continent. It is this feature that, Mr. Speaker, I think should be of concern to each and every Member of this body.

Lucy Mvubelo, the general secretary of the National Union of Clothing Workers in South Africa disagrees with the action that we are preparing to take here with regard to this resolution. She stated:

I hope that careful reflection will dissuade well-meaning, compassionate, and thoughtful Americans from pressing for shortsighted laws calling for divestment and disinvestment.

And I might remind you, if you are not aware of it already, that Lucy Mvubelo is a black woman and that the clothing union is the largest black

union in South Africa. She went on to state:

Such laws will set back the cause of human rights and peaceful change. They will hurt the South African economy and the very persons their advocates seek for help.

In conjunction with our effort to effect a peaceful resolution of this problem, it is as incumbent upon us if we are going to go through with this resolution to be as attendant to the potential for violence represented by the African National Congress, as any other group. And it is incumbent upon them, if they want these kinds of changes, too, to lay down their arms and join in a peaceful effort to secure a civilized transition in that troubled land.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman from Michigan [Mr. WOLPE] is recognized for 5 minutes in opposition to the motion to recommit.

Mr. WOLPE. I thank the Speaker.

Mr. Speaker, the Members of this House have expressed on a number of votes over the past several days, on a bipartisan basis, their understanding that the legislation that is before this body offers the best hope for averting the escalating violence in South Africa. I urge a "no" vote on the motion to recommit.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit offered by the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 139, nays 282, answered not voting 12, as follows:

[Roll No. 140]

YEAS—139

Archer	Davis	Kemp
Armey	DeLay	Kindness
Badham	Dickinson	Kolbe
Barnard	Dornan (CA)	Lagomarsino
Bartlett	Dreier	Latta
Barton	Duncan	Leath (TX)
Bateman	Eckert (NY)	Lent
Bentley	Evans (IA)	Lewis (CA)
Bereuter	Fawell	Lewis (FL)
Bilirakis	Fiedler	Lightfoot
Boulter	Fields	Livingston
Broomfield	Franklin	Loeffler
Broyhill	Gekas	Lott
Burton (IN)	Gingrich	Lowery (CA)
Callahan	Goodling	Lungren
Chandler	Groberg	Mack
Chappell	Gunderson	Madigan
Chapple	Hall, Ralph	Marlenee
Cheney	Hammerschmidt	Martin (IL)
Clinger	Hansen	McCain
Cobey	Hartnett	McCandless
Coble	Hendon	McCollum
Coleman (MO)	Henry	McEwen
Combest	Hiler	McMillan
Craig	Hillis	Meyers
Crane	Holt	Michel
Daniel	Hunter	Miller (OH)
Dannemeyer	Hyde	Monson
Daub	Ireland	Montgomery

Moore	Schaefer	Strang
Moorhead	Schuette	Stump
Morrison (WA)	Sensenbrenner	Sundquist
Myers	Shaw	Sweeney
Nielson	Shumway	Swindall
O'Brien	Shuster	Tauke
Oxley	Siljander	Taylor
Packard	Skeen	Vander Jagt
Parris	Slaughter	Vucanovich
Pashayan	Smith (NE)	Walker
Petri	Smith (NH)	Weber
Quillen	Smith, Denny	Whitehurst
Ridge	Smith, Robert	Whittaker
Roberts	Snyder	Wolf
Rogers	Solomon	Young (AK)
Roth	Spence	Young (FL)
Rudd	Stangeland	
Saxton	Stenholm	

NAYS—282

Ackerman	Edwards (CA)	Lloyd
Addabbo	English	Long
Akaka	Erdreich	Lowry (WA)
Alexander	Evans (IL)	Lujan
Anderson	Fascell	Luken
Andrews	Fazio	Lundine
Annuzio	Feighan	MacKay
Anthony	Fish	Manton
Applegate	Flippo	Markley
Aspin	Florio	Martin (NY)
Atkins	Foglietta	Martinez
AuCoin	Foley	Matsui
Barnes	Ford (TN)	Mavroules
Bates	Fowler	Mazzoli
Bedell	Frank	McCloskey
Bellenson	Frenzel	McCurdy
Bennett	Frost	McDade
Berman	Fuqua	McGrath
Bevill	Gallo	McHugh
Biaggi	Garcia	McKernan
Billey	Gaydos	McKinney
Boehlert	Gejdenson	Mica
Boggs	Gephardt	Mikulski
Boland	Gibbons	Miller (CA)
Boner (TN)	Gilman	Miller (WA)
Bonior (MI)	Glickman	Mineta
Bonker	Gonzalez	Mitchell
Borski	Gordon	Moakley
Bosco	Gray (IL)	Molinar
Boucher	Gray (PA)	Mollohan
Boxer	Green	Moody
Breaux	Gregg	Morrison (CT)
Brooks	Guarini	Mrazek
Brown (CA)	Hall (OH)	Murphy
Brown (CO)	Hamilton	Murtha
Bruce	Hatcher	Natcher
Bryant	Hawkins	Neal
Burton (CA)	Hayes	Nelson
Bustamante	Hefner	Nichols
Byron	Heftel	Oaker
Carney	Hertel	Oberstar
Carper	Hopkins	Obey
Carr	Horton	Olin
Clay	Howard	Ortiz
Coats	Hoyer	Owens
Coelho	Hubbard	Panetta
Coleman (TX)	Huckaby	Pease
Collins	Hughes	Penny
Conte	Hutto	Pepper
Conyers	Jacobs	Perkins
Cooper	Jeffords	Pickle
Coughlin	Jenkins	Price
Courter	Johnson	Rahall
Coyne	Jones (NC)	Rangel
Crockett	Jones (OK)	Ray
Croft	Jones (TN)	Regula
Daschle	Kanjorski	Reid
de la Garza	Kaptur	Richardson
Dellums	Kasich	Rinaldo
Derrick	Kastenmeier	Ritter
DeWine	Kennelly	Robinson
Dicks	Kildee	Rodino
DioGuardi	Kleczka	Roe
Dixon	Kolter	Roemer
Donnelly	Kostmayer	Rose
Dorgan (ND)	Kramer	Rostenkowski
Dowdy	LaFalce	Roukema
Downey	Lantos	Rowland (CT)
Durbin	Leach (IA)	Rowland (GA)
Dwyer	Lehman (CA)	Roybal
Dymally	Lehman (FL)	Russo
Dyson	Leland	Sabo
Early	Levin (MI)	Savage
Eckart (OH)	Levine (CA)	Scheuer
Edgar	Lipinski	Schneider



Schroeder  
Schulze  
Schumer  
Seiberling  
Sharp  
Shelby  
Sikorski  
Sisisky  
Skelton  
Slatery  
Smith (FL)  
Smith (IA)  
Smith (NJ)  
Snowe  
Solarz  
St Germain  
Staggers  
Stark  
Stokes

Stratton  
Studds  
Swift  
Synar  
Tallon  
Tausin  
Thomas (CA)  
Thomas (GA)  
Torres  
Toricelli  
Towns  
Traficant  
Traxler  
Udall  
Valentine  
Vento  
Visclosky  
Volkmer  
Walgren

Watkins  
Waxman  
Weaver  
Weiss  
Wheat  
Whitley  
Whitten  
Williams  
Wirth  
Wise  
Wolpe  
Wortley  
Wright  
Wyden  
Wylie  
Yates  
Yatron  
Young (MO)  
Zschau

## NOT VOTING—12

Campbell  
Dingell  
Edwards (OK)  
Emerson

Ford (MI)  
Gradison  
Nowak  
Porter

Pursell  
Spratt  
Stallings  
Wilson

□ 1720

Messrs. CONYERS, RITTER, and SLATTERY changed their votes from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WOLPE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 295, nays 127, not voting 11, as follows:

[Roll No. 141]

## YEAS—295

Ackerman  
Addabbo  
Akaka  
Alexander  
Anderson  
Andrews  
Annunzio  
Anthony  
Applegate  
Aspin  
Atkins  
AuCoin  
Barnard  
Barnes  
Bates  
Bedell  
Beilenson  
Bennett  
Berman  
Bevill  
Biaggi  
Bliley  
Boehlert  
Boggs  
Boland  
Boner (TN)  
Bonior (MI)  
Bonker  
Borski  
Bosco  
Boucher  
Boxer  
Breau  
Brooks  
Brown (CA)  
Brown (CO)  
Bruce  
Bryant  
Burton (CA)  
Bustamante  
Byron  
Carper

Carr  
Chappell  
Clay  
Coats  
Coelho  
Coleman (MO)  
Coleman (TX)  
Collins  
Conte  
Conyers  
Cooper  
Coughlin  
Courter  
Coyne  
Crockett  
Darden  
Daschle  
Daub  
Davis  
de la Garza  
Dellums  
Derrick  
Dicks  
DioGuardi  
Dixon  
Donnelly  
Dorgan (ND)  
Dowdy  
Downey  
Duncan  
Durbin  
Dwyer  
Dymally  
Dyson  
Early  
Eckart (OH)  
Edgar  
Edwards (CA)  
English  
Erdreich  
Evans (IA)  
Evans (IL)

Fascell  
Fazio  
Feighan  
Fish  
Filippo  
Florio  
Foglietta  
Foley  
Ford (TN)  
Fowler  
Frank  
Frost  
Fuqua  
Gallo  
Garcia  
Gaydos  
Gejdenson  
Gekas  
Gephardt  
Gibbons  
Gilman  
Glickman  
Gonzalez  
Goodling  
Gordon  
Gray (IL)  
Gray (PA)  
Green  
Gregg  
Guarini  
Hall (OH)  
Hamilton  
Hatcher  
Hawkins  
Hayes  
Hefner  
Heftel  
Hertel  
Hiler  
Hopkins  
Horton  
Howard

Hoyer  
Hubbard  
Huckaby  
Hughes  
Jacobs  
Jeffords  
Jenkins  
Johnson  
Jones (NC)  
Jones (OK)  
Jones (TN)  
Kanjorski  
Kaptur  
Kasich  
Kastenmeier  
Kennelly  
Kildee  
Kleczka  
Kolter  
Kostmayer  
LaFalce  
Lantos  
Leach (IA)  
Lehman (CA)  
Lehman (FL)  
Leland  
Lent  
Levin (MI)  
Levine (CA)  
Lewis (CA)  
Lightfoot  
Lipinski  
Livingston  
Lloyd  
Long  
Lowry (WA)  
Luken  
Lundine  
MacKay  
Madigan  
Manton  
Markay  
Martin (IL)  
Martin (NY)  
Martinez  
Matsui  
Mavroules  
Mazzeo  
McCloskey  
McCurdy  
McDade  
McGrath  
McHugh  
McKernan  
McKinney  
Mica  
Mikulski

Miller (WA)  
Mineta  
Mitchell  
Moakley  
Mollinari  
Mollohan  
Moody  
Moore  
Morrison (CT)  
Morrison (WA)  
Mrazek  
Murphy  
Murtha  
Natcher  
Neal  
Nelson  
Nowak  
Oakar  
Oberstar  
Obey  
Olin  
Ortiz  
Owens  
Panetta  
Pease  
Penny  
Pepper  
Perkins  
Pickle  
Porter  
Price  
Rahall  
Rangel  
Ray  
Reid  
Richardson  
Rinaldo  
Robinson  
Rodino  
Roe  
Roemer  
Rose  
Rostenkowski  
Roukema  
Rowland (CT)  
Rowland (GA)  
Roybal  
Russo  
Sabo  
Savage  
Saxton  
Scheuer  
Schneider  
Schroeder  
Schulze  
Schumer  
Seiberling

Sharp  
Shelby  
Sikorski  
Sisisky  
Skelton  
Slatery  
Smith (FL)  
Smith (IA)  
Smith (NJ)  
Snowe  
Solarz  
St Germain  
Staggers  
Stark  
Stokes  
Stenholm  
Stokes  
Stratton  
Studds  
Swift  
Synar  
Tallon  
Tauke  
Tausin  
Thomas (GA)  
Torres  
Toricelli  
Towns  
Traficant  
Traxler  
Udall  
Valentine  
Vento  
Visclosky  
Volkmer  
Walgren  
Watkins  
Waxman  
Weaver  
Weber  
Weiss  
Wheat  
Whitley  
Whitten  
Williams  
Wirth  
Wise  
Wolpe  
Wortley  
Wright  
Wyden  
Wylie  
Yates  
Yatron  
Young (AK)  
Young (MO)

## NAYS—127

Archer  
Arney  
Badham  
Bartlett  
Barton  
Bateman  
Bentley  
Bereuter  
Billrakis  
Boulter  
Broumfield  
Broyhill  
Burton (IN)  
Callahan  
Campbell  
Carney  
Chandler  
Chapple  
Cheney  
Clinger  
Cobey  
Coble  
Combest  
Craig  
Crane  
Daniel  
Dannemeyer  
DeLay  
DeWine  
Dickinson  
Dornan (CA)  
Dreier  
Eckert (NY)  
Fawell  
Fiedler  
Fields

Franklin  
Frenzel  
Gingrich  
Grothberg  
Gunderson  
Hall, Ralph  
Hammerschmidt  
Hansen  
Hartnett  
Hendon  
Henry  
Hillis  
Holt  
Hunter  
Hutto  
Hyde  
Ireland  
Kemp  
Kindness  
Kolbe  
Kramer  
Lagomarsino  
Latta  
Leath (TX)  
Lewis (FL)  
Loeffler  
Lott  
Lowery (CA)  
Lujan  
Lungren  
Mack  
Marlenee  
McCain  
McCandless  
McCollum  
McEwen

McMillan  
Meyers  
Michel  
Miller (OH)  
Monson  
Montgomery  
Moorhead  
Myers  
Nichols  
Nielson  
O'Brien  
Oxley  
Packard  
Parris  
Pashayan  
Petri  
Quillen  
Regula  
Ridge  
Ritter  
Roberts  
Rogers  
Roth  
Rudd  
Schaefer  
Schuette  
Sensenbrenner  
Shaw  
Shumway  
Shuster  
Siljander  
Skeen  
Slaughter  
Smith (NE)  
Smith (NH)  
Smith, Denny

Smith, Robert  
Snyder  
Solomon  
Spence  
Stangeland  
Strang  
Stump

Sundquist  
Sweeney  
Swindall  
Taylor  
Vander Jagt  
Vucanovich  
Walker

Whitehurst  
Whittaker  
Wolf  
Young (FL)  
Zschau

## NOT VOTING—11

Dingell  
Edwards (OK)  
Emerson  
Ford (MI)

Gradison  
Miller (CA)  
Pursell  
Spratt

Stallings  
Thomas (CA)  
Wilson

□ 1740

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1460, the bill just passed.

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Michigan?

There was no objection.

# PERMISSION FOR COMMITTEE ON SMALL BUSINESS TO SIT DURING 5-MINUTE RULE ON TOMORROW, THURSDAY, JUNE 6, 1985

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that the Committee on Small Business be permitted to sit during the 5-minute rule tomorrow for the purpose of marking up an authorization bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

# REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 2577, SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1985

Mr. FROST, from the Committee on Rules, submitted a privileged report (Rept. No. 99-160) on the resolution (H. Res. 186) waiving certain points of order against consideration of the bill (H.R. 2577) making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes, which was referred to the House Calendar and ordered to be printed.

# HOUSE FAIR EMPLOYMENT PRACTICES RESOLUTION

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, Congress—often dubbed “The Last Plantation”—has exempted itself from the provisions of all antidiscrimination bills. In doing so, Congress has created a new type of perk—exemptions from regulations that we pass for others.

Six years ago today, on June 5, 1979 the Supreme Court held in *Davis versus Passman* that the fifth amendment gives congressional employees the right to sue in Federal court for damages resulting from discrimination.

An instrumental factor in the Court's decision was that Congress does not have a mechanism through which to implement the antidiscrimination language that is already in the House rules. Thus, when Shirley Davis believed that her constitutional rights had been violated, she had no form of redress other than the Federal courts.

I am introducing legislation today that offers congressional employees redress, the House fair employment practices resolution. First introduced in May 1979, this bill sets up an in-house grievance procedure so that the House can enforce the language of our rules.

My bill not only provides employees with essential protections against discrimination, but also takes into consideration the unique characteristics of the House of Representatives as an institution. My bill does not involve any other branch of Government, so there is no separation of powers conflict.

I hope my colleagues will join me in my effort to have Congress follow the same antidiscrimination laws we pass for others.

Mr. Speaker, I am submitting an editorial appearing in this morning's *Washington Post* for printing in the *RECORD*. The editorial discusses the need for Congress to set its own Houses in order and enact legislation to ensure that its employees are protected from discrimination.

[From the *Washington Post*, June 5, 1985]

#### CONGRESS PROTECTS ITS OWN

Two House committees, Judiciary and Education and Labor, have now reported legislation to overturn the *Grove City* decision, which weakened the power of the federal government to enforce civil rights laws. The bill is targeted to a specific problem involving the application of the law to an entire institution when only a part of the institution discriminates. Sponsors want to keep the proposal focused on this issue and vote in a block to defeat amendments not directly related to this question. That is wise legislative strategy, even though it forced postponement of committee consideration of an important reform designed to make civil rights employment laws applicable to Congress.

Madison wrote confidently, in the *Federalist Papers*, that members of Congress would be restrained from enacting oppressive measures because “they can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of the society. This has

always been deemed one of the strongest bonds by which human policy can connect the rulers and the people together. It creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples; but without which every government degenerates into tyranny.” Madison did not foresee Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment and from which Congress carefully exempted itself.

Remedial legislation has been offered. Rep. Lynn Martin's bill has 69 bipartisan cosponsors. Rep. Patricia Schroeder's proposal, also widely supported, has been around since 1978. Both measures allow some leeway so that legislators would be free to hire staff from the home district and the same political party, and both recognize the separation-of-powers problem by creating outside panels to hear complaints, rather than sending them to the courts. But most of the 30,000 employees on the Hill and 17,000 in the federal courts—they are now exempt too—are not in sensitive, policy-making positions, and they need and deserve the same protections given to employees in private industry. A cafeteria worker, clerical aide or service worker should not suffer discrimination because of race, religion, national origin, sex, age or handicap just because he is employed by Congress and not a corporation. Now that the House committees have reported the *Grove City* bill, they should turn their attention to this problem of justice for those who are so close to home.

#### LET US NOT CONFUSE HUMANITARIAN AID WITH SUPPORT FOR THE OVERTHROW OF THE SANDINISTA GOVERNMENT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include therein extraneous matter.)

Mr. ALEXANDER. Mr. Speaker, I too, join the gentleman from Texas in responding to the remarks made by the gentleman from Illinois, the minority leader, concerning the publication of a recent poll whereupon Americans are judged to be in support of humanitarian aid for the Contras in Nicaragua.

I suggest, Mr. Speaker, that Americans generally support humanitarian aid for all people around the world, and especially those in this hemisphere. I think that poll indicates that Americans understand that the problem in Central America and in Nicaragua is not a military problem, and that there is no real military solution as General Gorman himself has suggested. Americans understand maybe even more than our President that the problems in Nicaragua are poverty; they are political oppression; they are hunger and disease, which foment the turmoil in that nation today.

While Americans support humanitarian aid for all around the world, that is not to be confused with support for the armed overthrow of a foreign government by our Nation or a coun-

terrevolutionary force that is dedicated to that end.

Today, William Hamilton, the respected national pollster, released a survey of Americans living in the deep South. I think my colleagues will see that the people of this region are just as committed as Americans everywhere to a peaceful and constructive solution to the problem of Central America.

The survey follows:

#### REGARDING NICARAGUA

1. Do you favor or oppose the U.S. government providing direct military assistance to the rebels or contras who are fighting to overthrow the communist Sandanista government there?

	Percent
Favor.....	35
Oppose.....	45
Don't know .....	20

2. Do you favor or oppose the U.S. government providing humanitarian aid, not military aid, to the rebels or contras who are fighting to overthrow the communist Sandinista government there?

	Percent
Favor.....	62
Oppose.....	22
Don't know .....	16

3. If the United States provided humanitarian aid, through the Red Cross or other international agency, would you be more likely or less likely to support such aid to the rebels in Nicaragua?

	Percent
More likely.....	63
Less likely .....	22
Same .....	3
Don't know .....	11

4. Now, if there were three choices regarding our policy toward the situation in Nicaragua, which one would be your own choice?

	Percent
The U.S. should give the rebels direct military aid .....	19
The U.S. should give the rebels humanitarian, but not military aid .....	30
The U.S. should stay out and give no aid to the rebels .....	37
Mixed.....	5
Don't know .....	8

Of the 19% who favored direct military aid on this question, three-fourths answer they would be more likely to support humanitarian aid through the Red Cross or other international agency.

Of the 37% who favored no aid on this question, 49% answer they would be more likely to support humanitarian aid through the Red Cross or other international agency.

5. If the CIA had a major role in coordinating the assistance to the rebels in Nicaragua, would you be more or less likely to favor providing such aid to the rebels?

	Percent
More.....	29
Less.....	45
Same .....	4
Don't know .....	23

6. If the Reagan Administration decided it was necessary to overthrow the Sandanista government to prevent communism from spreading in Central America, would you favor or oppose sending American troops to fight in Nicaragua?



Favor.....	37
Oppose.....	51
Depends.....	4
Don't know.....	8

7. Which of these statements is closest to your own view?

Congress should play its proper role and question President Reagan where they disagree with him on Nicaragua.....	77
Congress should not fight President Reagan over the Nicaragua situation and allow him to run U.S. foreign policy.....	16
Don't know/undecided.....	8

### THE TRADE DEFICIT AND FOREIGN LOBBYISTS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. KAPTUR. Mr. Speaker, last month, our foreign trade deficit surged another \$12 billion, the worst April in trade annals. In April, both the import and export sides of the trade deficit equation took a turn for the worse—imports up, exports down. And the bulk of this deficit is with Japan.

Recently, I sent out a questionnaire to my constituents and asked them to identify the most important issues facing our Nation. Overwhelmingly, the issue of jobs, foreign imports, and trade fairness topped the list. I know many of my colleagues here have gotten similar responses from their constituents.

I have been trying to figure out why people across America see this as a major economic problem, yet the Reagan administration does not. I think I have found a large part of the answer. It seems that some close friends and former advisers of the President are American lobbyists for Japan. The two most notable are, Richard Allen, former National Security Adviser, and John Sears, former campaign manager for the President. Allen represents an organization financed principally by the Japanese steel industry. Sears represents Japanese automobile manufacturers. Is it any wonder that the President lifted the Japanese auto import restraints and imposed ineffective, toothless steel restraints?

Mr. Speaker, I include articles on the trade deficit, as follows:

[From the New York Times, June 1, 1985]

#### TRADE DEFICIT UP \$11.9 BILLION

WASHINGTON, May 31.—The foreign trade deficit, symbol of a sputtering economy, surged by a near-record \$11.9 billion in April as domestic manufacturers found it increasingly difficult to market their high-priced goods abroad, the Government said today.

The Commerce Department report said imports rose five-tenths of 1 percent in April, to \$29.6 billion, compared with a

seven-tenths of 1 percent rise in March. But exports fell 3.6 percent after rising 3.3 percent in March. Exports were \$17.8 billion for April, the lowest since last June.

#### 7.2 PERCENT INCREASE

The result was a 7.2 percent increase over the March deficit of \$11 billion. That brought the imbalance for the first four months of the year to \$44.6 billion—5.8 percent ahead of the pace for the first four months of 1984.

The April figure was exceeded only by last July's \$13.7 billion and last May's \$11.93 billion.

Michael Evans of Evans Economics Inc. in Washington said the only surprise in the April report was that "exports were so weak." He added, "It's a big drop that would indicate we're just not able to sell our goods anymore overseas."

John Green of Wharton Econometrics in Philadelphia said there was little prospect for a near-term decline in imports, "so we have to look to exports to make a large contribution to any turnaround" in the deficit.

He noted that the American share of manufactured exports in the world markets has slipped almost 30 percent since 1980.

The trade imbalance is attributed to the strength of the dollar, worth about 80 percent more than it was five years ago. A strong dollar makes American goods more expensive abroad, while making foreign goods cheaper in the United States.

Commerce Secretary Malcolm Baldrige, in a statement accompanying the trade report, said a slippage of about 7 percent in the dollar from a February peak "so far is not enough to improve U.S. competitiveness and should have only a limited effect on our balance of trade."

The high dollar is attributed blamed mostly to relatively high interest rates in the United States, compared with other nations, prompting Mr. Evans to suggest that the Federal Reserve Board "might well say it's time for another dose" of lowered interest rates if it sees many more trade reports like the April release.

#### OIL AND JAPANESE CARS

On the import side, most of the April increase was attributed—as expected—to volume and price increases in oil imports and to an increase of about 25 percent in Japanese cars flowing into American showrooms.

Mr. Baldrige noted that April marked the end of the Japanese Government's voluntary restraint program on car imports, allowing them to surge to \$1.4 billion in April, from \$1 billion in March. Car imports from Japan averaged \$1.1 billion a month in 1984.

Petroleum imports were up \$1.6 billion over March, in part because a number of March shipments were included in the April data as a result of the late receipt of import documents from some ports.

WASHINGTON.—Stanton D. Anderson's Sunday school teacher was a state senator who taught the boy more than Bible studies: Mark O. Hatfield, now Republican Senator from Oregon, instilled in the youngster a taste—and a skill—for politics that never disappeared. And today the 44-year-old Mr. Anderson wields political power of a sort that would have seemed inconceivable to a Baptist minister's son growing up in Salem, Ore., during World War II.

By all accounts, Mr. Anderson is Japan's most influential lobbyist in Washington, a leading figure in what is the capital's biggest growth industry: Japanese Government and industry representation.

"You can measure a good lobbyist by the ripples he doesn't make, and Stan doesn't make ripples," said one of his adversaries, Travis Marshall, chief lobbyist for Motorola, an American telecommunications company that has been campaigning for an import surcharge to help redress the growing trade deficit.

Mr. Anderson whose lean, 6-foot 4-inch frame has been a fixture in Washington for about 20 years, prefers to operate with low visibility, wielding his considerable power behind the scenes. He shuns the word lobbying, preferring to call what he does "trade-policy legal work." In Japan, "lobbyist" carries a pejorative connotation: The word means "action behind the curtains."

In the crisis this spring over access to the Japanese telecommunications market by American companies, he served more as an adviser to his Japanese clients than as a lobbyist. By urging them to get the Japanese Government to reduce trade barriers, he helped ease a crisis that could have set off a protectionist outburst here, which could have hurt his clients.

But there are still tough times ahead. The \$37 billion trade deficit with Japan, associated in many American minds with the continued loss of manufacturing jobs, has led to deep resentment here. Congress now faces the largest backlog of protectionist bills in 50 years. And, many analysts believe, prospects of ever-wider deficits could soon bring a major confrontation between free traders and protectionists. "The most difficult period will be in the next six months," Mr. Anderson said.

He has never been busier. Yet he says he never advocates a position that he does not believe in. "We turn down business," he said. "I'm very concerned about my reputation. We're careful how we pick a client."

Through the law office he founded four years ago, Anderson, Hibey, Nauheim & Blair, and another private lobbying enterprise, Global USA Inc., he handles a broad range of clients. They include foreign and domestic interests, such as Brazil's steel industry, Continental Air Lines and the Marriott Corporation.

But Japanese work is his bread and butter. The law firm represents two Japanese telecommunications trade associations and three Japanese machine tool trade associations. Global counts among its clients some leading Japanese corporations, including All Nippon Airways, the Japanese Aero Engine Corporation, the Japanese Aircraft Development Corporation, Fanuc, Komatsu and Kyocera.

Using an extensive network of cronies throughout Washington, Mr. Anderson plays a role that his Japanese clients consider invaluable: He is their eye on Washington. He teaches them the ways of the capital, warning them of potential problems while trying to take some of the heat out of trade conflicts. "We probably spend more time advising and educating our foreign clients than we do in actual lobbying the U.S. Government and Congress," he said.

And that, even adversaries concede, has proved very successful. "Stan accurately articulates the U.S. political position," said William K. Krist, director of international trade affairs for the American Electronics Association. "He's very effective."

Part of his job is to warn the Japanese of shifts in the American mood, and to keep trade tensions from growing. In March, for example, a crisis was building over America's \$2 billion annual telecommunications

trade deficit with Japan and Mr. Anderson stepped in.

His strategy covered several fronts. He urged Haruo Ozawa, president of the Communications Industries Association of Japan, to get Sony, Sanyo and other Japanese producers to withdraw from a Tokyo agency that certified imported products for sale in Japan. The fact that Japanese producers were deciding what competitors' products would be allowed into Japan infuriated the Americans. When Japanese producers followed the Anderson advice, tensions were reduced and the Americans eased their demands for protectionist measures.

Then Mr. Anderson urged Mr. Ozawa to address an American telecommunications producers' convention to persuade them that Japanese producers were truly working for greater access for American companies. That, too, helped ease tensions.

"The information we have received from him has been accurate and useful," said Mr. Ozawa, interviewed in Tokyo. "We have a very high appraisal of the work he has done."

In doing his job, Mr. Anderson taps the people he has come to know during his long years in Washington. This of course, is the coin of any good lobbyist and Mr. Anderson, like other top players—including Charles E. Walker, Robert S. Strauss and J.D. Williams—built a lobbying business out of a career that included private-sector work and government service. In Washington, it is summed up in the term, "the revolving door," referring to the constant shuffling between government and the private sector. And relationships forged that way, of course, go beyond individual issues.

For example, even though Senator John C. Danforth is on the other side in the telecommunications conflict, he recently asked Mr. Anderson to be vice chairman of a fundraiser for Vice President Bush's expected 1988 Presidential bid. Explained Mr. Anderson with a grin: "We're both Republicans."

Mr. Anderson started his long Washington career after graduation from California's Westmont College, when, at 22, he became chief lobbyist for an aviation trade association. A year later, he became executive director of the National Young Republicans, where he worked for the Presidential candidacy of Barry Goldwater. After that unsuccessful bid, he studied law at Willamette University, then returned to Washington to join the law firm of Surrey & Morse. Former colleagues from his Young Republican days, William Timmons and Donald E. Rumsfeld, who later became Defense Secretary, brought him into the Nixon White House in 1971.

He spent two years working in the White House personnel office, but in 1973, with the White House in spreading disarray over Watergate, he moved to the State Department. He became Deputy Assistant Secretary for Congressional Relations, which led, he said, to his interest in trade.

A few months later, he was nominated to become Ambassador to Costa Rica. But the nomination was withdrawn at his request "for personal reasons" after he was questioned critically before the Senate Foreign Relations Committee about his political work in the Nixon White House and in the Committee for the Re-election of the President. He had been questioned and cleared by the Senate Watergate Committee.

Experienced in the political vineyards, Mr. Anderson uses his political credits sparingly. "You can only traffic on a relationship so much," he said. "I don't overtraffic on those

relationships. There's plenty of advantage to being able to talk to somebody, but you've got to have the right story to talk to him."

For example, in representing the Japanese machine tool interests, he is advising officials at Commerce and the National Security Council that the United States would hurt itself more than Japan by curbing imports of Japanese machine tools. The domestic industry has petitioned for protection on grounds that the imports are a threat to national defense.

"We're very careful about the way we go about advocating a position," he said. "If it's the right position, we'll advocate the hell out of it."

But he is sensitive to being identified as a lobbyist for the Japanese. "We represent many American firms as well as Japanese firms," he said.

The Japanese work, however, is clearly lucrative. There are no accurate numbers on how much the Japanese spend to try to understand Washington and influence political decisions in their favor, but nearly everyone agrees it is a big sum and rising. "It may be as much as \$50 million a year," said William C. Triplett 2d, a lawyer on the staff of the Senate Foreign Relations Committee. "You're looking at a \$37 billion trade deficit. The more the deficit goes up, the more they need to lobby."

Public files, available under the Foreign Agents Registration Act, at the Justice Department show that Mr. Anderson's law firm collects \$20,000 a month in fees from the Communication Industries Association of Japan and an additional \$40,000 a year from the Electronic Industries Association of Japan. Three Japanese machine tool trade associations pay a combined \$200,000 a year to the law firm for representation.

In addition, Global USA, of which he is board chairman, received more than \$1 million last year in lobbying fees from a half-dozen other Japanese companies. Global, founded by Mr. Anderson and Mr. Timmons, is a private, closely held corporation specializing in Japanese clients.

Mr. Anderson's business interests notwithstanding, he indicated that he would not mind returning to government some day. The "greatest job in the world," he believes, is the United States trade representative's, and he was considered as a replacement for Bill Brock, whom he has known for 20 years, in that post. But his identification with the Japanese would probably not ease confirmation hearings.

In the meantime, Mr. Anderson—who is divorced and planning to be remarried this summer and lives with his children, Tad, 18, and Mimi, an eighth-grader, in Potomac, Md.—does not conceal his interest in making money. A chauffeur-driven Cadillac stands in readiness in front of his office-townhouse. Among his other ventures, he and partners recently acquired two banks—the Enterprise Federal Savings and Loan Association of Clearwater, Fla., and the Berkeley Federal Savings Bank in Norfolk, Va. Asked if he was on his way to making his first billion dollars, he just laughed.

#### WASHINGTON'S TOKYO TRADE

If Stanton D. Anderson is the most influential Japanese lobbyist in Washington, he is by no means the only one. Dozens of former Government officials compete for the business.

One of the more notable is former National Security Adviser Richard V. Allen. He is earning \$150,000 a year in fees for promoting a second, and much bigger, Panama

Canal that would be able to take huge iron ore vessels to move ore from Brazil to Japan. He works for the Panama Canal Study Group, which is financed principally by the Japanese steel industry.

John P. Sears, a former campaign adviser to Richard M. Nixon and Ronald Reagan, earns \$122,000 a year representing Japanese automobile manufacturers and \$60,000 more from Japan Air Lines. J.D. Williams, a lawyer-lobbyist associated with Democrats, helped Nippon Cargo Airlines get permission to provide service between the United States and Japan. Richard J. Whalen, a former Nixon speech writer, gathers information and represents Toyota. Former United States trade representative William E. Eberle does similar work for Nissan.

#### THE GREAT STEEL GIVEAWAY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. BENTLEY. Mr. Speaker, the New York Times yesterday reported that this past weekend Secretary Malcolm Baldrige reached a provisional agreement with the French to allow the subsidized French steel industry and others in the European Community to sell over 50 million dollars' worth of steel in this country to the All American Pipeline—above their steel quotas.

There are three U.S. steel companies with idle capacity, capable and eager to produce this pipe, immediately.

We have been given all sorts of reasons for the balance of payments deficit, but never the reason that our own Government gives away our markets. I must ask the question today whether our industries and their workers are being represented by our own Department of Commerce.

I am asking to be inserted into the RECORD a statement sent to me by the LTV Corp. on the closing of the Aliquippa Steel Plant in Aliquippa, PA. 10,000 workers have lost their jobs there since 1981—4 years!

Millions of dollars have been spent in modernizing the plant. It was the hope of the future against foreign competition. But, it could not survive a trade policy which allows unfair competition and closes its eyes to legally negotiated, in-place quotas.

The Constitution gives Congress the power to levy quotas on foreign commerce. I think it is time now, Mr. Speaker, to take that power back.

Mr. Speaker, the statement of the LTV Corp. is as follows:

#### THE ALIQUIPPA TRAGEDY—WHAT UNFAIR TRADE HAS DONE TO AN AMERICAN COMMUNITY

ALIQUIPPA, PA. The latest victim of unfairly traded steel imports.

Foreign steel, unfairly subsidized and unfairly dumped, is the principal culprit behind what's happened at the once-mighty Aliquippa Steel Works of LTV Steel. But



there are other imports, threatening other industries just as vital to America.

Textiles. Chemicals. Energy. Silicon Valley. The list goes on and on. How many more Aliquippas before this country moves to enforce fair trade?

One of the most disheartening tasks for a company is to announce the idling of a plant. It's not a question of bricks and mortar—we are talking about people's lives.

On May 17, LTV Steel Co. gave notice to 1,300 employees that most operations at the Aliquippa Works will be idled indefinitely.

This was a plant where in 1981 almost 10,000 people worked, forming the economic backbone of an entire community. This was a plant where photographers came to capture America's industrial might, and where the most productive steelmakers in the world made high-quality products to meet the world's demand.

Most important of all, this was a plant where \$600 million was spent, most of it in the last 10 years, to modernize facilities and remain competitive.

LTV Steel has done everything possible to keep this plant going. But our losses in the first quarter of this year alone are estimated at \$25 million. Over the last several years, product after product has been dropped; unit after unit shut down; employee after employee laid off. The community of Aliquippa has been crippled in the process.

Why did this grim change come about? Will there be more plant idlings in the steel industry like this one? The answer is yes—unless America acts.

We cannot say that every management move at LTV was correct. We cannot ignore the increase to steel substitute products. And we cannot deny that costs—including employment costs—reached high levels.

Still, the truest answer to Aliquippa's trauma lies not in Pennsylvania but overseas.

Unfair foreign competition, in the form of subsidies and "dumped" steel, intruded on product lines of steel bars, oilfield pipe and casing, continuous weld pipe, rod and wire, light structural steel, fence wire, and even nails—until we could no longer compete. What was finally left—pipe—now has an import penetration level of more than 60 percent.

LTV Steel, as well as the entire steel industry, has been pleading for fair treatment under our existing trade laws. No protectionism, but fair trade. We can compete with anyone in the world in quality and price—if we all play by the same rules.

Last September, the Administration announced a plan to curb steel imports to the 18.5 percent of the U.S. market right off the top, we supported it in the best interests of all Americans and our trading partners.

But despite the considerable efforts of U.S. trade negotiators, little has happened. In fact, steel imports soared to the 30 percent level in January.

Unless these imports are curbed now, there will be more Aliquippas soon.

LTV Steel will continue to press for fair trade. All we want, and all our employees want, is a fair fight.

#### ENHANCED MILITARY CAPABILITIES IS GOAL OF DEFENSE SPENDING

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his

remarks and include extraneous matter.)

Mr. DARDEN. Mr. Speaker, more and more everyday, we are learning that progress cannot be measured by dollar signs alone. Increased domestic spending won't necessarily rid our Nation of poverty or unemployment, and increased defense spending doesn't necessarily mean that we are more secure.

In an article in yesterday's Washington Post, Georgia's senior Senator SAM NUNN correctly points out that, "History will judge us not by the number of dollars going into the Pentagon, but by the military capabilities coming out." NUNN further states that, "Those who advocate a strong national defense, in both political parties, must start asking, 'Where are we going, and what are we getting?' rather than simply 'How much should we spend?'" As a member of the House Armed Services Committee and a member who has consistently supported a strong national defense, I hope that my colleagues will use this criteria as they cast their votes on the defense authorization bill in the coming weeks. By doing so, we will insure that we have a stronger America and that we are good stewards of the tax payer's money.

I commend Senator NUNN for his observations in this article and include a copy of his article for insertion in the RECORD, as follows:

IT'S NOT WHAT WE SPEND ON DEFENSE—IT'S WHETHER WE HAVE THE MILITARY CAPABILITIES WE NEED

(By Sam Nunn)

For the past four years our national security debate has focused on two underlying themes: first, how much the defense budget should grow each year, and second, how much our military forces have improved relative to the 1980 defense posture under President Carter.

A shift in this myopic national security debate is long overdue. The reference point for measuring improvement should be not our 1980 defense posture but rather our national military needs and objectives.

Faced with zero to 3 percent annual real defense growth for the foreseeable future, we can no longer afford the luxury of an intellectually deficient defense debate that never rises above the level of President Reagan's famous slogan: "Are we better off now than we were four years ago?" Meaningful benchmarks are difficult and challenging, but essential. The Reagan administration and Congress must begin to focus on the real challenges and questions that should guide our national security decisions.

(1) Following the U.S. expenditure of approximately \$700 billion on NATO-related forces since 1980, can NATO meet the requirements of defending its territory? The recent description of the supreme allied commander, Gen. Bernard Rogers, of our NATO military posture as one that requires the release of nuclear weapons "in terms of days, not weeks or months" is a good starting point for examining our NATO defense posture.

(2) Can we meet the rigorous requirement of defending our interests in the Persian

Gulf that have been defined as "vital" by both President Reagan and President Carter? Do we have the strategic mobility, on-the-scene allies and a clear military strategy required to defend an area 7,000 miles from home against Soviet subversion and aggression?

(3) Are our mobilization goals appropriate and can we meet them? Should we continue to base our mobilization objectives on developing the capability to fight for many months in Europe when our allies would start to run out of ammunition in less than two weeks and NATO's war plan calls for 30 days of sustainability?

(4) Will any level of defense spending provide us the capability to meet the requirements of the administration's 3½-war strategy? (Defense Secretary Caspar Weinberger has testified that this administration's "long-term goal is to be able to meet the demands of worldwide war including concurrent reinforcement of Europe, deployment to Southwest Asia and the Pacific, and support for other areas.") Has the "strategy-capability gap" narrowed over the last four years with the expenditure of \$1 trillion in the U.S. defense budget? Will this gap close with the planned expenditure of \$1.3 trillion over the next four years?

Defense experts will undoubtedly differ in their answers to these questions—but certain conclusions are inescapable:

(1) Our current military strategy as set forth in Weinberger's defense posture statements has little relationship to our present capability or to foreseeable resources.

(2) Our own defense planning is out of sync with that of our allies, and our mobilization goals are out of sync with NATO capabilities and war plans.

Even using the "Are we better off now than we were four years ago?" benchmark, the answer is "yes," but not in proportion to the dollars spent. Our force structure (Army and Marine divisions and Air Force wings) is essentially the same, though we do have more Navy ships. The readiness of our forces has improved primarily because of the increased quality of our manpower. Our ability to sustain a war has improved, but is far short of our announced goals. Modernization of our weapons systems is under way, but is in serious jeopardy in a no-growth environment.

To justify increased defense spending, Weinberger frequently displays charts that show how the Warsaw Pact is outproducing NATO in various categories of weaponry. The secretary has a point. In 1984 NATO produced 1,760 tanks, 755 artillery tubes, 80 rocket launchers and 525 fighter aircraft. The Warsaw Pact produced 3,650 tanks, 3,200 artillery tubes, 700 rocket launchers, and 1,070 fighter aircraft.

Yet, we must consider the fact that NATO has consistently outspent the Warsaw Pact for the past decade and a half, especially over the last four years. This raises some tough questions. If we are already outspending the Warsaw Pact but are getting so badly outproduced, how do we cure this problem? Moreover, we should ask whether it is the administration's goal to match the Warsaw Pact tank for tank, plane for plane. If so, how, and at what cost?

Unless the administration and Congress refine our military objectives and concentrate on the overall U.S. and allied defense output, defense in the 1980s and 1990s will increasingly fall into the same disrepute that many domestic programs are now in. The recent budget debate and congressional

votes on defense indicate that trend is well under way.

Those who advocate a strong national defense, in both political parties, must start asking, "Where are we going, and what are we getting?" rather than simply "How much should we spend?"

We must recognize that defense spending has leveled off after five years of growth. It is likely to stay that way until the American public and Congress are convinced that the deficit is being reined in and that increased defense spending can really narrow the gap between our capabilities and our strategy.

In approaching national security challenges with a new realism, there are a number of essential steps that our nation must take to maximize the effectiveness of our defense expenditures:

We must revise our military strategy to one based on U.S. and Western strengths and Soviet weaknesses.

We must coordinate our weapons programs with those of our allies to eliminate wasteful duplications. We must ensure that the United States and our allies are marching to the same war plans, and we must insist that our European, Japanese and Pacific friends follow through in meeting agreed-upon strategy and defense goals.

We must expose the Pentagon procurement system to a strong dose of free-enterprise competition and accountability. We must devise a method by which the Department of Defense increases the number of efficient production lines by eliminating lower-priority weapons and by restricting the number of new starts.

We must insist that the administration define the Strategic Defense Initiative realistically to avoid public disillusionment in the years ahead; and

We must carry out long overdue and badly needed reforms in the structure of the military services, the Joint Chiefs of Staff and the entire Defense Department.

History will judge us not by the number of dollars going into the Pentagon, but by the military capabilities coming out.

#### THE HANDWRITING ON THE WALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEwen] is recognized for 5 minutes.

Mr. McEwen. Mr. Speaker, it should come as no surprise that the day after the House voted against aid to the rebels in Nicaragua that Daniel Ortega left for his visit to Moscow to cement relations with his Communist mentors. The handwriting has been on the wall for some time. The Nicaraguan regime of Daniel Ortega is a Marxist regime and garners its strengths and support from the Soviet Union and its surrogate, Cuba. With this as an introduction, it should come to no surprise that in May 1984 Bayardo Arce, a member of the FSLN's nine-member directorate and coordinator of its policy committee, addressed leaders of the Moscow-line Nicaraguan Socialist Party [PSN] on the basic goals of the Sandinista leadership. The speech was not originally intended for publication, but an unauthorized tape recording was used for a

verbatim account in the Spanish newspaper *La Vanguardia*.

Arce affirmed that "Sandinism is—Marxism." He referred to the leaders of the two parties as "we Communists" and the parties themselves as "a single force," and predicted that eventually they would "drop the fiction of a Marxist-Leninist Socialist Party on the one side and those of the Sandinista Front on the other" and "gradually form a single party." He explained that for the present, however, "we have not declared ourselves Marxist-Leninists publicly and officially," because "our strategic allies tell us not to declare ourselves Marxist-Leninist, not to declare socialism." To do so would jeopardize the prospects of further Western economic aid to Nicaragua—a paradox Arce described as "the first experience of building socialism with capitalist dollars."

Arce conceded that the FSLN had promised the Organization of American States in June 1979 to guarantee "nonalignment abroad, a mixed economy, and political pluralism" for reasons of expediency. The promise was designed to keep "the international community" from supporting a United States proposal that might have kept the sandinistas from victory in July 1979. Moreover, clearly referring to the impact of the insurgency, Arce notes that "if we did not have the U.S.-imposed states of war, the electoral problem would be totally outdated in terms of its usefulness." For these reasons the Sandinistas had to endure the "nuisance" of elections and other "bourgeois formalities" impeding the "dictatorship of the proletariat."

Once the elections were past, however, "we" could proceed with drafting a "new constitution of socialism in Nicaragua." That socialism would be radical in domestic and foreign policies: "Agrarian reform—confiscations, nationalization of the banks, and foreign trade—the Soviet-Cuban military advisers, the internationalism of the revolution—are the facts of the revolution and everything we have done has that dynamic behind it."

Underscoring the FSLN's determination to support likeminded revolutionaries elsewhere and remain allied with the Soviets and Cubans, Arce said that "imperialism asks . . . us to abandon interventionism, to abandon our strategic ties to the Soviet Union and the Socialist community." But the Sandinistas "cannot" do either "unless we cease being revolutionaries."

None of the other comandantes have been as candid in describing the Sandinistas' basic goals. Occasionally, however, they have made statements either publicly or privately that are consistent with points raised in the Arce speech. For example:

Daniel Ortega, much like Arce, stressed that "we" were holding elections in order to "go beyond the no-

tions of traditional bourgeois democracy" and "to consolidate the revolutionary government."

Ortega's brother, Humberto, like Arce, equated Sandinism with Marxism.

"Marxism-Leninism is the scientific doctrine that guides our revolution." He maintained "without Marxism-Leninism, Sandinism cannot be revolutionary. Thus they are indissolubly linked."

Tomas Borge, the last surviving member of the trio who founded the FSLN in 1961, stressed, like Arce, the FSLN's commitment to establishing a non-Western political and economic order in Nicaragua. "There cannot be mixed economy here identical to the one in Venezuela or a political pluralism identical to Mexico's—we are Marxists."

Several comandantes have echoed Arce's identification of the FSLN's purposes and prospects with those of the Soviets and their allies. Even Jaime Wheelock, generally considered the least ideological of the nine, stressed that "when Lenin led the Bolsheviks to the seizure of power—socialism triumphed—the Soviet Union has helped the revolutions on all continents, particularly in small countries, to have their path better cleared."

Finally, the depth of the Sandinista leaders' commitments to these objectives, implicit throughout Arce's presentation to his fellow Marxists, was reflected in a private comment several months ago by another comandante, Henry Ruiz, to a Nicaraguan of long acquaintance: "we will go back to the mountains and eat (excrement) for 6 more years, if necessary, to preserve the purity of the revolution."

There is a growing concern among some Members of Congress, and justifiably so, over the unprecedented military buildup in Nicaragua sponsored by Cuba and the Soviet Union.

Nicaragua's ties to Cuba and the Soviet Union have resulted in a military buildup which has brought the Nicaraguan troop strength to higher levels than that of any other Central American country. Large quantities of Soviet weapons have been introduced into Nicaragua and there is ample evidence that Nicaragua has provided some support to Salvadoran guerrillas and subversive groups in other Central American countries. The question that then needs to be asked is: Why would a country with a population little more than the State of Ohio require a military force which outnumbered all of the other military forces in Central America combined? In less than 6 years, the Sandinistas have developed a military establishment with firepower and mobility unmatched in the region. This expansion has been made possible only with massive assistance from Cuba and the Soviet Union.



Indeed, only the militarization of Cuba itself in the 1960's is comparable to what has occurred in Nicaragua since 1979.

The Sandinista regime now has a military force of over 62,000 men as well as a complement of reserve, militia, and security forces bringing the total of available forces to over 119,000. Military armament now includes a tank and armored personnel carrier inventory of more than 340, a sophisticated radar air defense system, and a complement of the world's most sophisticated attack helicopter—the Soviet-made Mi-24/Hind D. The questions of intent and motivation behind this aggressive buildup go begging. If this country's Government were merely putting on a defensive posture, then why have an arsenal which is clearly out of proportion to the capabilities of Nicaragua's neighbors?

In the area of human rights, the Sandinistas' victory over the Somoza regime was hailed as a triumph over what was seen as one of the worst violators of human rights in the Americas. Ironically—and tragically for those close to the 3 million Nicaraguans—the Sandinistas have proved that they surpass their predecessors in abusing the basic rights of their own people. Today's human rights violations affect all aspects of Nicaraguan life. There are restrictions on free movement; torture; denial of due process; lack of freedom of thought, conscience, and religion; denial of the right of association and free labor unions. In light of the Sandinistas' increasingly repressive and numerous human rights violations, coupled with their close association with the Soviet Union and Cuba, the people of the United States must act.

Let me leave you with this 1859 quote from John Stuart Mill:

The doctrine of non-intervention [in order] to be a legitimate principle of morality must be accepted by all governments. The despots must consent to be bound by it as the free states. Unless they do, the profession of it by free countries comes but to this miserable issue, that the wrong side may help the wrong side, but the right side may not help the right side. Intervention to enforce nonintervention is always right, always moral, if not always prudent.

□ 1750

#### SUPPLEMENTAL APPROPRIATIONS—BACK-DOOR DEFICIT SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 5 minutes.

(Mr. RAY asked and was given permission to revise and extend his remarks.)

Mr. RAY. Mr. Speaker, for the last few months, many of us have gone in good faith to the people we represent and warned them of impending budget

cuts. We have tried to communicate to the American public in a responsible fashion the dangers we see facing this country if something isn't done soon about our deficit spending habits.

We have told them that this would be the year when Congress and the administration would begin to reform America's spending policies, and we have asked them to realize that the cuts and freezes are vital for our country's future economic security.

It is my opinion that finally, the Congress is getting the message that the American people are fed up with the philosophy that it is all right for this country to spend more than its income!

By and large, our people have responded in the patriotic and selfless fashion that we proudly call, "the American tradition." They said they would be willing to work with smaller budgets and tighten their belts, if it was in the national interest, and if the Congress and the Administration was really serious in reducing deficit spending.

For weeks, we sweated blood over a new budget. We eventually wound up voting to cut the 1986 deficit by \$50 billion plus.

I opposed that budget because I wanted our cuts to be deeper and more balanced and more soundly committed; but our budget does represent a first step. The American people watched us pass this reduced budget and, hopefully, saw some signs that we were serious about battling overspending.

Mr. Speaker, this scandalous supplemental appropriations bill is just doing business as usual.

Our credibility is on the line and it's in danger because of the bill that is to be brought before this body in the next few days. Once again, the Congress is going to consider supplemental appropriations for a few programs that have overspent their budgets, plus a batch of new programs which have not been through the authorizing process.

Some of these programs need money for emergency situations and they are valid requests. But they are included in a bill with \$171 million for 66 water projects, almost half of which this Congress has not authorized, additional foreign aid when we are cutting back on programs that affect our own citizens, more money for the Congress to run its business, and additional funds for the White House to take care of its people and buildings.

There are educational programs in this bill that are valid. There's an abortion clause that I would normally support. There's money that could end up helping city policemen, and we all know that they need our support in their frontline battle against crime. Food stamps for the needy are also in

this bill, Mr. Speaker, and there's nutritional help for children in it.

But the good programs aren't in the majority. Most of the \$13.49 billion is slated to go for special interest programs—pork-barrel projects that Members want for their own districts in order to help them get reelected.

This is a common ploy that is used in the House of Representatives to ram funding for projects and programs that aren't worthy through the legislative process.

I have watched Congress use this back-door method of funding since I have been here and I have also watched our deficits continue to rise. How can we ask the American people to sacrifice and to support our 1986 budget if we are going to put money back in for pet projects when they aren't looking.

Tying pork-barrel projects to sound, responsible legislation is a shameful way for this body to conduct business. I for one, am tired of watching water projects, foreign aid, and congressional expenses get carried through the Congress on the backs of worthwhile legislation and I intend to oppose this use of legislative packaging vocally and vigorously, whenever I see this body stoop to this practice.

If this measure passes as it is now drafted, then our actions and our speeches for the last few months will be seen as nothing more than rhetoric. We owe more than that to the people we serve and as patriotic Americans, we own more than that to the future of this country.

We face a deficit crisis and we are finally taking a few stumbling steps to resolve that crisis. I ask my colleagues to renew their commitment to reducing the deficit and to vote down this back-door spending. If a measure can pass this Congress on its own merit, then it should be law. If it has to be hidden in a huge bundle of legislative bills to pass, then it is our duty and responsibility to see that it dies in this Chamber.

As I see it, Mr. Speaker, that is the only fair and honest way to conduct the business of lawmaking.

#### THE NEED FOR FULL FUNDING OF THE FREEDOM FIGHTERS IN NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 5 minutes.

Mr. ARMEY. Mr. Speaker, what kind of nation are we?

That question is at the heart of the debate over the continued U.S. funding of the freedom fighters in Nicaragua and was the final nail in the coffin for freedom fighter funding in the 99th Congress.

A core concern of many with respect to this funding decision is its consistency with traditional American values of adherence to law and order and support for self-determination. Several Members have even stated that U.S. aid to the freedom fighters is equivalent to "state sponsored terrorism" and in the same vein as the Sandinista support of leftist guerrillas in El Salvador.

However, these arguments contain one fatal flaw: We are not dealing with a legitimate government in Nicaragua.

Now, of course legitimacy is in many ways a subjective judgment. But there are certain criteria upon which I think we could all agree which must be present in order for the United States to recognize the legitimacy of a government. Clearly, even the most basic criteria are not present in the present Sandinista government.

There are four basic freedoms being repressed in Nicaragua today. First, the Sandinistas have declared war upon organized religion. Like all Communist states, Nicaragua—or better, the Communist government of Nicaragua—has felt a great threat from religion. Religion represents a higher commitment than "the Revolution," and thus distracts the people from the political goals of the totalitarian government. By focusing the complete attention of the people on the revolution and Communist ideology it is the goal of the Communist leadership to brainwash the nation into a false commitment to false ideals. Religion represents a way in which to set political ideology in perspective, and without it, political ideology becomes itself the higher law, and loses all sense of relation with reality. In this way, the Communists are able to conceal the repressive nature of their system and package it as liberation. As the April 1984 Easter pastoral letter on reconciliation states, and I quote,

Materialistic concepts of mankind distort the person and teachings of Christ, reduce man to merely physical terms without taking account of his spiritual nature, so he remains subject to physical forces called the 'dialectics of history'. And man, alienated from God and himself, becomes disoriented, without moral and religious reference points, without a higher nature, insecure and violent.

As Cardinal Miguel Obando y Bravo stated last summer, and I quote,

We want to state clearly that this government is totalitarian. . . . We are dealing with a government that is an enemy of the church.

Second, even though independent labor unions were in the vanguard in opposition to Somoza they have been brutally repressed by the Communist government. As the former Sandinista Vice Minister of Labor, Edward Macias, stated before he was forced to flee Nicaragua for criticizing the regime,

The Nicaraguan workers have been reduced to being objects . . . the workers cannot choose, free of fears, either labor union, or their central labor organization, their ideological option, or their political party.

The Communist government allows only the state-controlled labor unions which are designed, not to advance the interests of the workers, but to serve the political interests of the rulers. In Nicaragua, the primary purpose of the labor unions is to assist in the forced transformation of society along the lines determined by the Communist leadership. These state-run unions have forbidden strikes, blocked wage increases, and has made a farce of all collective bargaining negotiations. To complete the transition to a totalitarian labor system, in 1981 the state-run labor unions in Nicaragua joined the Moscow-led World Federation of Trade Unions, and since has signed friendship and cooperation agreements with the Soviet Central Council of Trade Unions.

Third, the Communist government of Nicaragua has intensified its campaign against freedom of speech and press. Since March 1982, the Communists have imposed strict prior censorship over all of Nicaragua's independent media. Ironically, the principal target of this repression has been the newspaper, *La Prensa*, one of the most virulent critics of the Somoza regime. In fact, the assassination of its editor, Pedro Joaquin [Hoa-keen] Chamorro, in 1978 sparked the revolution that put the Sandinistas in power. Because of *La Prensa's* relentless support of democracy, the Communists have attempted to silence the newspaper. However, they are careful to not close the newspaper because it is an important symbol of the revolution—the shackles placed upon the press in Nicaragua are an important symbol of a revolution betrayed.

The fourth indication of the illegitimacy of the Communist government of Nicaragua is its attempts to brainwash the Nicaraguan children. Carlos Tunnermann, the present Ambassador of Nicaragua to the United States, has erected an educational system designed to indoctrinate the Nicaraguan youth into a Communist mindset. As a former professor, this is to me by far the most dangerous abuse of all by the Communist government because it will affect these poor children long into the future. For example, in order to introduce the Nicaraguan children to violence, aggression, and war, Communist math books and readers use grenades, machine guns, and tanks as examples and illustrations. In grade schools children are led in songs and prayers which contain phrases such as "We shall fight against the Yankee, enemy of humanity." Perhaps the most disturbing piece of Communist indoctrination is the Sandinista Creed, which attempts to lend some moral le-

gitimacy to the Sandinista cause. I will quote a few selections:

I believe in Sandino, the Father of our people's anti-imperialist revolution . . .

I believe in Carlos Fonseca, his beloved Son, who inherited his ideals and guerrilla tactics, who was the Founder of the FSLN . . .

I believe in the doctrines and struggles of Marx, Engels, Lenin, and Che . . .

I believe in the construction of a socialist, Marxist and Leninist society . . . Amen.

In this way the children of Nicaragua are indoctrinated by the Communist government of Nicaragua.

The repression evidenced in these four areas clearly denies the legitimacy of the Communist government of Nicaragua. Add to this the blatant violation by the Communist government of Nicaragua of their 1979 agreement with the Organization of American States, and clearly the Communist government of Nicaragua cannot be considered legitimate. If we support the consolidation of an illegitimate government, we support the enemies of self-determination. By supporting an illegitimate government we would be acting contrary to traditional American values of freedom and self-determination.

I think we can all agree that it is right to support the opposition forces in Afghanistan because they are fighting an illegitimate government. I think we can all agree that it is right to support the opposition forces in Cambodia because they are fighting an illegitimate government. Why is it not right to support the Nicaraguan freedom fighters who are battling an illegitimate government?

Assistance to the freedom fighters is consistent with the traditional American concern for self-determination. Actions taken to defend against forceful imposition of totalitarian systems are actions consistent with our national heritage. In fact, not acting in the face of totalitarian control is a betrayal of our own revolution.

So clearly the continued funding of the freedom fighters is not only consistent with traditional American values, but a necessary response to totalitarian oppression. The United States should be proud of its efforts to defend democracy and self-determination in El Salvador. We should also be proud of our lonely stand for freedom and self-determination in Nicaragua. Sandinista Communists have betrayed their own revolution. Let us not betray ours.

What kind of nation are we? We are a nation that does not support peace at any cost. We are a nation that does not prop up illegitimate governments. We are not a government that facilitates the spread of Communist, totalitarian regimes. We are a nation which stands for the principles of freedom and self-determination. That's what kind of a nation we are, and that's



why we must continue to support freedom and democracy in Nicaragua.

□ 1800

#### OLYMPIC COIN PROGRAM A SUCCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, 3 years ago this House chose to have an Olympic coin program run by the Federal Government, rather than one run by private marketers. The debate over the legislation was long and vigorous. Proponents of the private marketing approach claimed that the Treasury Department did not have the experience and expertise to run a successful coin marketing program. The private marketer dangled a \$30 million guarantee as a carrot to being awarded the Olympic coin marketing contract. A smooth public relations campaign tried to orchestrate support for the private marketers. Despite all these efforts this House overwhelmingly rejected the private marketing approach and chose my proposal for a Government-controlled and run program.

The results of the Olympic coin program are now in and it is clear that American Olympic athletes, taxpayers, and coin purchasers were winners as a result of the House action. The Government-controlled coin program raised \$72.3 million to help stage and promote the 1984 Los Angeles Olympics and to train U.S. Olympic athletes.

This was more than double the \$30 million that the private marketers were willing to guarantee and it provided the money much more quickly. The guarantee was in effect the maximum amount that would have been paid. And with the Soviet boycott of the games, the private marketers would have used an escape clause in their contract to reduce the guarantee. Furthermore, under the private marketers' proposal the guarantee was to be paid in widely spaced installments.

The \$72.3 million for the Olympics was raised on sales of \$309 million. This means that 23 percent of the net sales went to the Olympics. Under the private marketing approach, the athletes would have been lucky to see a 6-percent return on net sales.

The U.S. taxpayer was a big winner under this program as well. The Treasury made \$125.5 million on the gold and silver contained in the coins sold. This is because these precious metals were purchased many years ago when the price of gold and silver was low, and selling now enabled the Treasury to realize a very significant gain on the gold and silver Olympic coins.

In addition to the profit on the gold and silver the Treasury made an additional profit of \$5 million from the

sales operations as well. This is the amount Treasury took in over and above all of its expenses for this program. This shows that the Treasury Department can run such a program and turn a profit on it without a risk of losing money.

The total of \$130.5 million in profit that the Treasury made from the gold and silver and the operation of the Olympic coin program is equal to an astonishing 55 percent of the net receipts received by Treasury after payment of the surcharge to the Los Angeles and U.S. Olympic Committees. At this time of large deficits, the Olympic coin program helped raise vitally needed money to help reduce the deficit.

Finally, the purchasers of Olympic coins benefited from this program as well. Not only were they able to share in contributing to the world-class American victories at the games, but they stand to be financial winners as well. An editorial in the May 28, 1985, issue of Numismatic News points out that the demand for these coins in the secondary market is quite brisk. The Olympic gold coin, which was offered for \$352, is now selling for as much as \$445, only 4½ months after sales by the Mint ended.

The appreciation in Olympic coin values is in sharp contrast to the experience of persons who purchased Russian Olympic coins in 1980, and Canadian Olympic coins in 1976. After those programs ended, the coins were selling for no more than the value of the gold and silver in them. For a time Canadian Olympic coins could only be sold for less than their face value.

In summary, it is clear that the Olympic coin program was a success for our Olympic athletes, taxpayers, and Federal Government; \$72 million went to the Olympic cause, more than \$40 million more than the private marketers would have provided. The taxpayer benefited from a \$130 million profit on the program. Coin purchasers profited from having purchased coins that not only helped American Olympic athletes but have held their value.

Throughout the Olympic coin debates 3 years ago, I never wavered in my belief that the coin program must be run by the U.S. Government. I had faith in the abilities of the U.S. Mint. My faith and that of the thousands of ordinary Americans who formed my "living room lobby," and that of the Members of the House who supported a Government-run Olympic coin program has been rewarded. Let the Olympic coin program be an example for us to study when we consider whether other commemorative coin programs should be turned over to private marketers.●

#### LEGISLATION TO ENABLE MILWAUKEE COUNTY TO PURSUE AN IMPORTANT DEVELOPMENT PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

● Mr. KLECZKA. Mr. Speaker, today, I am introducing legislation which will enable Milwaukee County to pursue an important development project on lands conveyed to the county by the Administrator of Veterans' Affairs.

Two public spirited Milwaukee citizens, Jane and Lloyd Pettit, have generously offered to donate \$40 million to construct a sports and entertainment facility on the Milwaukee County Stadium grounds. The land under consideration for development was leased to Milwaukee County for recreational and civic purposes by the Veterans Administration through conveyance legislation passed in 1949 and 1955. Both of these laws, Public Law 281 and Public Law 669, contain language stating that if Milwaukee County alienates the land from its prescribed purposes, the land would revert back to the United States. Herein lies the reason for this bill. Milwaukee County plans to sublease this land to a private corporation for construction purposes and concern has been raised that this may be construed as "alienation," causing the land to revert back to the Veterans' Administration.

These development plans are of great importance to the people of Milwaukee County. The community has long been in need of such a facility, and this project will definitely be of great economic value to the Milwaukee County area.

This civic minded gesture on the part of the Pettit's comes at a crucial time for the Milwaukee area. It has been recognized for some time that a new arena was needed in Milwaukee. The old arena is over 30 years old and has limited seating capacity. The present facility no longer meets the needs of the area. Studies were begun last year to determine a possible location for a new arena and method of financing. The gift from the Pettits allows Milwaukee County to reach this much needed goal.●

#### REBUTTAL TO "DEAR COLLEAGUE" OF REPRESENTATIVE MICHAEL BARNES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 60 minutes.

Mr. ROTH. Mr. Speaker, 6 weeks ago the House defeated a resolution sponsored by the gentleman from New York [Mr. WEISS] which called for economic and military sanctions

against Chile. A few weeks later, the Members of Congress received a "Dear Colleague" letter from the chairman of the Western Hemisphere Subcommittee, Mr. BARNES of Maryland, which sought to explain the reasons for the resolution's defeat.

This unusual approach—sending a "Dear Colleague" after House consideration of legislation strikes me as particularly peculiar because it questions the motives of a bipartisan plurality of our colleagues. This letter, I maintain, misstates the reasons for the resolution's defeat and the meaning of that defeat. I have asked for this special order to clear the air. I have by letter contacted Messrs. BARNES and WEISS Monday of this special order. Also today, Wednesday, they were contacted again by phone.

The title of this letter explains its contents. Mr. BARNES states that "partisan politics" caused the defeat of House Concurrent Resolution 52, the Chile resolution, and that those who he alleges engaged in partisan behavior gave what Mr. BARNES calls a pat on the back for Chile's Pinochet. My colleagues, this comment is unfair to the majority who voted as they did and impunes our motives.

#### MR. BARNES' ALLEGATIONS

Let me begin, Mr. Speaker, with a careful refutation of the principal arguments in Mr. BARNES' "Dear Colleague" which he asks us and the American people to accept as fact:

First, Mr. BARNES states that it was—quote—"Quite obvious to everyone in this House why that resolution failed." He contends that the failure was—again quoting—"a result of partisan politics."

My colleagues, this does not square with the facts. On April 22, 206 Members of this House rejected House Concurrent Resolution 52. Are there 206 Republican Members? Of course not. Looking at the vote result, 58 Democrats joined 148 Republicans in voting down this ill-advised concurrent resolution. It is worth adding that five of these keen sighted Democrats chair standing committees of the House and one of them, the esteemed gentleman from Mississippi, is the dean of the House. The facts are clear as a bell: The vote was a true bipartisan vote.

Second, in his letter our colleague claims a conspiracy by Republicans, explains the outcome of House Concurrent Resolution 52. His letter states, again quoting, "immediately preceding the vote, Republican Members had made a decision to vote 'no' on all suspensions in retaliation for the decision to seat our colleague from Indiana. The resolution on Chile was their first opportunity to make their point." I deny that categorically, and so does every other Republican.

Let's look at the evidence, which again shows how his accusation does not dovetail with the facts.

The first substantive vote of the day occurred on House Resolution 125, condemning the murder of Maj. Arthur D. Nicholson by a storm-trooper of the Soviet empire. This resolution had been introduced by our freshman colleague from Texas [Mr. ARMEY] and the ranking member on the Human Rights Subcommittee, the gentleman from New York [Mr. SOLOMON]. The vote on this vital resolution had been postponed by the Speaker so as not to muddy the waters of détente which were flowing after the Speaker's visit to the U.S.S.R.

When the resolution came to a vote, 394 House Members voted to condemn Major Nicholson's martyrdom while two did not. Both Democrats, incidentally. Had Mr. BARNES' allegation about Republican conspiracy been true, it might have been revealed in the vote on House Resolution 125.

We then moved to the resolution of the gentleman from New York [Mr. WEISS]. It was defeated in a thoroughly bipartisan manner on its merits.

I might add that another important legislative matter, relating to visitation rights of grandparents was passed by voice vote on that same day also under suspension of the rules.

So, Mr. BARNES' second contention falls for lack of evidence. There was no Republican conspiracy to vote "No" on suspensions. All the facts indicate that, that assertion is false. Mr. BARNES can't cite a single Republican to verify his contention.

Mr. Speaker, Mr. BARNES' "Dear Colleague" letter—having dismissed the defeat of the Weiss resolution as merely partisan and essentially a victim of tragic events in the Eighth District of Indiana—attempts to analyze the meaning of the vote. Again, Mr. BARNES; to be kind; does not have the facts on his side.

Finally, regarding Mr. BARNES' "Dear Colleague" letter, he makes the illogical leap that defeat of Mr. WEISS' sanctions against Chile is, quote, a "pat on the back" for what the gentleman from Maryland is pleased to call, quote, "Chile's 12-year dictator" and then Mr. BARNES goes on to state that this vote, again quoting, "has evidently proved to him that the United States really isn't paying attention."

Mr. BARNES goes further in his "Dear Colleague" by trivializing the role of the newest Soviet colony in Latin America, Nicaragua. In his "Dear Colleague" letter, the gentleman from Maryland says that the United States likes to, quote, "focus on Nicaragua's human rights accord" while characterizing Augusto Pinochet as being, again quoting, "free to do as he likes." One can only reply; rubbish.

We now turn to an examination of pertinent materials selectively excluded by those attempting to make partisan or ideological points during and especially following consideration

of House Concurrent Resolution 52. It is worth noting that these items are not in dispute—but were carefully not mentioned by the moderate gentleman from Maryland in his "Dear Colleague" letter.

Let us look at what House Concurrent Resolution 52 would have done:

First, it called for the immediate cessation of all joint United States-Chile military exercises—in particular the annual *Unitas* naval exercises that our Navy conducts with Chile. My colleague's, Chile's coastline covers one-half of the total length of the western coast of South America. Under former President Carter in 1980, the U.S. Navy was prohibited from engaging in *Unitas* exercises with Chile. As a result, the *Unitas* naval task force—after beginning in the Caribbean, going through the Panama Canal, and operating off the coast of Peru—was required to completely reverse its route in order to continue exercises in the South Atlantic. The naval forces could not travel around the lower cone of the continent because Chilean ports were not available.

The constraints on the *Unitas* exercise illustrate the strategic importance of Chile—not only as a source of safe ports that can provide logistic and resupply to the U.S. Navy—but also as a country that could influence events in the passages between the Atlantic and Pacific Oceans—through the Straits of Magellan.

If the Panama Canal were ever to become unavailable as the result of terrorism or other insurgent acts, the southern passages would become the chokepoint for international shipping in the Western Hemisphere.

A second item in the Weiss resolution called for no military assistance to Chile until it is a full-fledged democracy.

It is worth noting that the same moderate and balanced gentleman from New York sponsored on January 3, 1985—the opening day of the 99th Congress—H.R. 477. Mr. Weiss accompanied introduction with a statement in the Extensions of Remarks, found on page E18 of the CONGRESSIONAL RECORD. Pleading for recognition of Dictator Castro's regime, Mr. Weiss stated—quote—"our nonrecognition policy has done more harm than good. Our economic denial of Cuba has really amounted to self-denial, cutting off a major market for American manufactured goods."

Mr. WEISS describes the differences between the United States and the first Soviet colony in the Western Hemisphere as consisting of only—and again I quote—"differing economic systems and world views," and the gentleman from New York sums up his thoughts this way—again quoting—"but if one thing is clear above all else, it is that we will not be able to address



these questions in the absence of real progress toward normalized relations."

Mr. Speaker and my colleagues, let's be precise. The chief sponsor of House Concurrent Resolution 52 is perfectly willing to place sanctions against the people of Chile while calling for a form of democracy he fails to define. But the gentleman from New York embraces with sensitivity and warmth the bearded bandit of Havana via Moscow and Managua as someone who is now entitled not only to respect and understanding from the United States, but also to generous preferential trading arrangements including tariff-free access to the U.S. market.

Parable of the double standard. May it be to the everlasting credit of this Congress that we do have men and women with astute judgment.

Let me quote from the thoughtful report a delegation presented on their return from a factfinding trip to Chile. The Armed Services Committee stated:

Based on our findings in Chile, it is imperative to initiate more cooperative military relations with Chile if we are to ensure the protection of the strategically important sea lanes in the Southern Hemisphere. More cooperative military initiatives with Chile will help to maintain the tenuous balance of power in the region and contribute to the security of the hemisphere—lessening Chile's isolation and encouraging its return to democracy. Therefore, renewed consideration should be given to lifting the arms embargo against Chile.

What has that arms embargo accomplished? Arms, equipment, and munitions are now supplied by France, West Germany, and Great Britain—among others. All we did was to destroy whatever leverage we may have had with Chile.

Because we were prevented from selling safety equipment to Chile's Air Force at least two men have died needlessly—perishing with their planes because we wouldn't supply them with ejector seats. Those deaths and perhaps others are the direct result of the unilateral arms embargo against Chile.

Third, the resolution—which was defeated by a coalition of moderates from both parties—also called for the prohibition of any economic assistance to Chile until it becomes a "democracy" as defined by the resolution's author.

Let me remind my colleagues that Chile is no military threat to its neighbors, unlike Nicaragua and Cuba, but that standard seems not to impress those who would forbid economic aid to Chile.

And finally, the resolution requires the United States to vote "no" on all loan and grant requests that Chile makes before any international financial institutions such as the World Bank or the IMF. That's progress. Once again, the selective application of unilateral political standards in a multilateral institution.

Chile has been one of the few countries in Latin America to stay within the IMF targets for repayment of its loans. And, furthermore, let's look at the way the Chilean Government spends its money. More than 67 percent of the Government budget goes for social spending—on education, public housing, food programs, and the like. Yet the resolution asked for a no vote. "No" to assisting those programs either bilaterally or through multilateral institutions. So according to the resolution—the conclusion is: The welfare of the Chilean people be damned.

My colleagues, partisan politics had nothing to do with the defeat of this resolution. We defeated it fair and square on the merits of our arguments. If passed, the resolution would have sent a very clear message to the people of Chile: That the United States is not interested in being a constructive partner in the transformation of that country to a pluralistic, growth-oriented, anti-Communist, free-enterprise system.

The American public simply is not receiving the relevant facts of what is happening in Congress. Had Mr. WEISS' resolution passed, it would have been front page news. But none of the papers or networks chose to report its overwhelming defeat. The defeat was simply placed on the "spike."

We never hear about:

Terrorism: There have been 735 terrorist bombings in Chile in the past year. Most of them occurred in Santiago—a city the size of Washington, DC. Two bombs every day. Last year we had one bombing in Washington \* \* \* notice the increased security here on Capitol Hill since then. We never hear that most of the terrorist activity is coming from the far, far left—although they, that is, the far left takes credit for the terrorist bombings.

All most Chileans want is an opening for a more participatory system without the Communists and totalitarian parties.

Freedoms guaranteed: We never hear about the 1980 Chilean constitution, 67 percent of the people voting in that plebiscite with its guarantees of the freedoms of speech, religion, press, movement, and emigration to go into effect in 1989.

The 1980 constitution: Let's look at the constitution more closely. The resolution would have us believe that the present Chilean Government is a permanent fixture unless the United States encourages its violent overthrow. It is not. Over 67 percent of Chile's registered voters approved the constitution which plainly outlines the steps to be taken by the transition military government so that by 1989 a civilian government can be elected under peaceful and democratic auspices.

For example, like we saw last year in Brazil. General Pinochet and his cabinet have outlined a very concrete program for putting in place the necessary laws governing political participation, organization and elections.

The United States is currently engaging in delicate and productive bilateral negotiations with Chile on a wide range of topics. These include an early lifting of the state of siege, a lessening of press censorship, and improved economic conditions. Obviously, these bilateral negotiations would have been undermined by the defeated resolution.

That is why the radical solution of this resolution was rejected by a bipartisan and moderate plurality.

#### SUMMARY

But my real concern is: When will this body learn to be a constructive partner in the conduct of U.S. foreign policy? Like any self respecting people other countries will take open criticism and threats of unilateral sanctions only so long.

The United States is currently conducting productive bilateral negotiations whose aim is to produce significant improvement in the human rights condition of the Chilean people. Specifically, the United States desires a cessation of press censorship as well as an early lifting of the current state of siege.

Our aim is not to "shoot ourselves in the foot" by imposing sanctions on Chile that will mostly harm American interests, while simultaneously not assisting in improving the lives of the Chileans. Former President Carter announced to the world that our country would no longer serve as the world's policeman, not that we ever were. He did not, however, propose an end to the American role as moral judge of various countries disliked by individuals or selected groups of Congressmen.

We have repeatedly been faced with a discouraging choice in this House, Mr. Speaker. We shoot from the hip and undermine delicate, bilateral, and multilateral negotiations. In foreign affairs this body is oftentimes totally irresponsible.

After such meddlesome, counterproductive resolutions are offered it is simply not helpful to distort the reasons for their defeat. This body for once acted responsibly by defeating House Concurrent Resolution 52 on April 22. The House, Mr. Speaker, has wised up to these tactics and can be expected in the future to examine much more closely the substance and likely results of these seemingly routine proposals.

Speaking as only one Member, I pledge myself to carefully scrutinize these selective sanction proposals. When they run counter to substantive and successful efforts of the adminis-

tration or harm American interests or have the effect of harming the very people in other countries we say we want to help, I will oppose them and their sponsors.

We in Congress must be conscious of our foreign policy goals that American policy sails in meaningless or unproductive circles. I know it is hard to believe that not everyone agrees with the liberal brand of foreign policy, but then Congress is to speak for all America and not for a particular ideology. I feel strongly that once Congress has debated and voted Members do not have a right to distort that record.

□ 1810

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Illinois.

Mr. HYDE. I do appreciate the gentleman permitting me to break into his remarks. I just want to salute the gentleman for his persistence and his dedication in taking the time to nip in the bud the allegation that the defeat of this ill-advised resolution was anything less than on the merits.

There are many schools of thought on foreign policy. There is the scorched earth theory that says if a country does not measure up to our standards of human rights and civil rights and political democracy that we should ostracize that country. With other countries with far worse records, I might add, somehow a double standard applies, such as the Soviet Union, the People's Republic of China, Romania, and other countries that enjoy trade relations and a spirit of understanding and getting to know you, and that sort of thing.

However, people are entitled to their own views. But it is interesting that the comparison is made between Chile and Nicaragua.

Chile is an authoritarian state. It is not a free state. General Pinochet has been there for too many years, in my judgment. He was welcomed when he removed or was the beneficiary of the removal of a Marxist leader down there, Mr. Allende, who unfortunately was killed. But, nevertheless, he was leading his country off the cliff in terms of the economy and in terms of political freedom.

But it is time to reinstate democracy in Chile. And in criticizing the resolution by the gentleman from New York [Mr. Weiss] there is no sign that we are advocating a continuance of a dictatorship, and that is really what it is in Chile. But there are other ways to do that. And the way of cooperation, the way of maintaining some leverage with that country, is important.

Chile does not have its guns trained on anybody. Nicaragua does. Nicaragua is shooting people in Costa Rica and in Honduras and is exporting sub-

version and is a threat to the entire Central American area.

Chile, unfortunately, or fortunately, confines its distress and its threats to its own people, and that is bad enough.

But there are ways to change that and the way to change it is not to ostracize them and isolate them.

So I want to say that I congratulate the gentleman for taking the time to come to the floor, to point out that the resolution was without merit, and that is why it lost.

Mr. ROTH. I thank the gentleman for his contribution and for his thoughts. They are always very valid and right on target.

I was hoping that when people sent out a "Dear Colleague" which I think totally, in my opinion, misleads this body, that they would come to the floor, and I am assuming they probably will come in a few minutes, to talk about the letter.

Mr. HYDE. The gentleman is not going to hold his breath, is he?

Mr. ROTH. That is why I took an hour. I wanted to give them time. That is why I called. That is why I wrote them a letter on Monday and told them what we wanted to do, and I called them, and I again made every invitation that is possible so that they could come to the floor.

Mr. HYDE. If the gentleman will yield, the problem is that the gentleman takes this seriously, and I wonder, I just wonder, and I hate to speculate about people's motives, whether they take it seriously, because if they did they would be here to defend their action. But they are not.

Mr. ROTH. The gentleman said something many moons ago that is something that I have thought often. It is what we call a double standard. The gentleman serves on the Foreign Affairs Committee and I serve on the Foreign Affairs Committee.

Last Christmas we had a couple of colleagues go to Cuba and they sat for hours as El Supremo was harranguing about what was going on in our country, and they came back and said, "If only we opened our arms to Castro things would be different. Why don't we do that."

Can you imagine two people going to Chile, sitting down there with Pinochet and coming back and saying, "Hey, we were down in Chile and I think we can make some progress; let's open up our arms."

Can the gentleman imagine what the people on this side of the aisle would say?

Mr. HYDE. I have always said, if the gentleman will yield further, that some people's idea of foreign policy is like a hound dog with an emotional problem, who barks at our friends and wags his tail at our enemies.

Mr. ROTH. I thank the gentleman. That probably is a very concise sum-

mation of where we should be going with these arguments.

But let me say that the reason the resolution failed is because it failed on its merits. This is what we want to remind the Members of this body.

The Members of this body are astute. If they read the "Dear Colleague" they will find that it is shot through and through with misinformation.

□ 1820

#### MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, today has been rather a busy day for many Members of this body, particularly my colleagues on the Committee on Banking, Finance and Urban Affairs who at this moment, those belonging to the Subcommittee on Domestic Financial Institutions, are trying to work out the intricacies of a complex matter having to do with nonbanking banks, institutions; the delineation of what is obviously a new development in our financial institutional structure. But as important as those matters are, I believe that the overriding consideration ought to be the course of war that the President is conducting this country and has been for some time now with no indication on the part of the Congress to hold him accountable for what I consider to be a total disregard of the very laws that the Congress has passed, such as the War Powers Limitations Act. But not only that, I think that history will show that some of these things that it will record as the erosion of American freedom, erosion of our institutional bulwarks of freedom, liberty, respect among our citizens, which is the actual lubricant that allows this intricate society known as the United States of America to function, one which has allowed us since 1945 to have experienced three basic revolutions with a minimum of social violence or disturbance.

□ 1830

We did not totally escape; we had some, but given the vast changes that were registered in our country in these last three decades, I think that the resiliency of our institutions have been clearly, up until now, revealing the inherent strength that resides in this constitutional framework of reference.

But at this time, those in power, those who surround the Chief Executive who, brazen in their exercise of authority, defiance of any accountability to the Congress, are disturbing that equilibrium, that delicate balance of a tripartite form of government in which the Executive, the second part



of our Government, section 2 of the Constitution to be precise, is no more no less than a coequal among equals, independent and certainly not superior.

The President's remarks just a few days ago in which he expressed his impatience and his contempt for Congress and the authorities inherent under the Constitution and the Congress, clearly revealed what should have been clearly revealed to us in 1983, in October, with the murder of the 241 marines directly attributable to the President's obdurate neglect of his sense of responsibility as Commander in Chief, in willfully, over a course of 14 months, ignoring the consensus and united advice of the Joint Chiefs of Staff, our principal, professional trained military, who advised the President against that venture, of deploying warriors, marines, under the false guise of acting as diplomats or politicians involving these men, militarily undefended and exposed to the terrible conflict that for 2000 years has never been resolved in that part of the world, and callously disregarding.

So for that reason I am prompted to rise tonight to advise my colleagues that the President continues on an irreversible course of war, an irreversible course for catastrophe. Not only now for these generations of us, but for those that will follow, a course that is calculated to prescribe our children and grandchildren and great-grandchildren into an eternal hostility with those who now exceed us in number by almost 100 million, and who will share destiny with us in this part of the world we call the New World.

It is a shameful fact that the President's evoking of an outmoded, bankrupt policy which, in 1929 when Calvin Coolidge reigned and decided to resort to gunboat diplomacy, we might have gotten away with it; it will simply not work in the 1980's without great loss of blood to our youth, and our treasury.

At this time, it is very evident to me that the President, with a contradictory course; one that I cannot explain for the life of me how in a country that boasts a free press, has not been held accountable by that free press. Not only for contradictions, but for out-and-out lies.

He is called the great communicator. I say he is the great prevaricator. For example, less than 2, 3, 4 weeks ago, he was saying for public consumption and to some uneasy minds among us, that he would not deploy American military, for example, in Central America. The fact is that he has been conducting the most massive concentration of military in the history of that region, since we have written history.

We now have more than 30,000 of our military as we have had for 2½

years, in the air, on the sea, and on the land surrounding Nicaragua. We are occupying the sovereign nation of Honduras, which if, together with its neighbors are actually aid junkies of America.

Poor Honduras, as the people are able to express themselves, are actually rebelling against our sustained occupation. They do not want to get into a war with Nicaragua. There is a long history of friction between those two nations, and the superior wisdom for example of General Eisenhower's administration in 1957, when a similar border dispute that had been simmering and intermittently flaring up, was finally resolved when the United States joined essentially the same countries that today are labeled the Contadora Group in settling that dispute.

The United States had no compunction in joining these countries as an equal and going before the World Court and finding a peaceful settlement. But ever since the advent of this administration, in which it has been obvious to me that the President is an interventionist; unilateral and militarily, and that this is something that I never dreamed would have ever happened in my lifetime, even though I was living in 1929; I was a schoolchild. And later, as I grew up and realized what the history of intervention for example in our next door neighbor's case, Mexico, where like in the case of Nicaragua where we chased Sandino, whose name is not evoked in the revolutionary movement which won power in Nicaragua, and for good reason: Because it symbolizes Nicaragua's resistance to American invasion.

In Mexico we chased all over but we never could get, Pancho Villa, "Black Jack" Pershing might have got some training for World War I, but he never succeeded in catching Pancho Villa; and I think we ought to remember that.

I think we ought to remember that in 1984 it is another world. It is a new world. Even if President John Kennedy, who still conveys an image of love and affection in all of Latin America were to be President today, and were he to try to inaugurate what was known as the so-called Alliance for Progress, it would not take off today. It is another world from 1961. It is another world entirely.

Our misperceptions, particularly on the part of a President whose mindset is 1929 with respect to Latin America, who does not want to understand, who does not want to comprehend, who will not listen to a round of advice from all sources, but is heeding only those whose most vested interests are impacted in Central America and in Latin America generally; such as the most intimate, powerful corporate advisers that, in effect, are controlling the policies of this Government.

Not only the financial, the fiscal, and the monetary policies as I have brought out on other occasions, but the policies having to do with war and peace and our relation with our neighbors to the south of us.

A policy that has not attained one single ally of any consequence.

□ 1840

The only meager alliances, perhaps, or some mutterings of support have come from the junkie aid countries that we have drugged with aid and who are so poor that we in America should be very much ashamed of ourselves. It will be a blot on our escutcheon forever. History will inexorably mark it that way.

But I rise today because despite the President's public protestations in what was supposed to be a confidential message to some Members of the Congress just lately, a few days ago, he expressed the fact that if necessary, if other means failed, the United States under his leadership would intervene militarily in Nicaragua.

Now, my colleagues, tomorrow we may get into the discussion having to do with the so-called humanitarian aid to the so-called Contras.

Who are the Contras? How are they looked upon? Not by our press, not by our Government spokesmen but by the outside world, in Latin America, for example.

What does the press say in Latin America? Even in Honduras 1½ years ago one of the editorials in the conservative newspaper, in Spanish, expressed the fact, and they said, literally quoting, "we have lost all, including honor, with the way their country had been taken over by us and occupied by us."

Now the headlines will be, in case the Congress does not go along this time—it will not take long; we will see headlines—"Nicaragua, a threat to the neighboring country; we are obligated to defending that country; that country cannot defend itself against Nicaraguan aggression. Therefore, we will intervene."

But I want to point out to my colleagues what the facts are in that world today, in 1985. The facts are simply these: No professional military will advise the President on a direct invasion by American forces intervention unless the United States is willing to deploy 100,000 men and willing to undertake the type of fighting that even in El Salvador, the smallest country in this part of the world, and after the expenditure of almost \$3 billion, all the kind of help we could give, and the tactics with the Huey attack helicopters that at this very moment that I am speaking are using the identical tactics that we have inveighed hour after hour against Russia using in Afghanistan. There is no difference, my

friends and my colleagues, no difference. It just depends on whose foot that shoe is on, that is all. And I want to say that we will not, even at that, we will not confine the conflict to Nicaragua. It will spread a conflagration all over that region.

And remember that if even in Vietnam, where our lines of communication were 8,000 miles away and we had logistical problems but never had a challenge over air control, there was not much we could do in the case of a conflict that represented a civil war, religious war, and an international war. And the reason for that misstep was our equal misperceptions of the world.

I say that we as a democracy need not commit the follies of kings and potentates against whom the struggle for American liberty was waged and, once having won by insurrection, by revolution, we did as the Founding Fathers did, and, to me, I cannot imagine a more horrible misuse of words than the President comparing the rapists, the plunderers, the pillagers that constitute the so-called Contras as being equals or coequals, or the like, of our Founding Fathers. It is just so abhorrent that I shudder to think that our President's mind, whether he uttered full knowingly or merely as an actor repeating a script, it is horrible to think that this kind of a comparison would be made at this time in which there is no question in my mind there will be no immediate end to this conflict once we intervene directly and militarily.

Now, let us look at the history of why we are to expect imminent direct action on the part of our country. In 1981, with the assumption of power by President Reagan and the appointment of former General Haig as Secretary of State, Haig announced that he was drawing the line in El Salvador. He insisted on making it an East-West conflict. He insisted on making it an ideological war. He then did what he thought would work in that part of the country, because it had worked in prior times. We have followed the doctrine of divide and conquer. We have had rivalries between these republics to the south of us, a state of friction, tension, between Argentina, Chile, Honduras and El Salvador, Honduras and Nicaragua. But through the years the world has shrunk, and what might have been possible to have been done successfully and to have ensured our hegemony in this part of the world, I say to my colleagues is not that easily going to happen in the 1980's and in this remaining portion of the 20th century.

I say to you that this is a time in which this resiliency in our system of government calls for the Congress to continue to evaluate on the basis of the experiences the Congresses had since 1945, particularly in 1950, Korea,

the subsequent sequela known as the Vietnam war, and some in between things that have happened that surely should awaken us to the responsibility of rising to the coequality, that separateness of power, that independence of this branch of government, and calling forth some responsibility from the President to account for his actions.

The President has shown a consistent disregard not only of constitutional but statutory limitations and disregard and disrespect for the Congress. As a matter of fact, on more than one occasion he has made remarks that show great contempt for the Congress of the United States.

What is it we seek in Nicaragua? Ideological purity? If that is the case, why not now discuss the situation of Guatemala?

I was trying to get some attention on Nicaragua in 1980, April 1, to be correct, because that marks the first time in 20 years or more of service in the House that I ever addressed the House on the subject matter of what we call Latin America. Today I am saying that Guatemala is in the same state, it is in an imminent state of disarray and explosion. The situation there is no different basically. But what is our policy? Why not now see what we can do before we say that there are no options but intervention, because the issue will be to prevent a so-called Communist or Marxist-Leninist takeover.

I say to my colleagues you cannot isolate these countries anymore. Guatemala is on the brink. I hear nobody discussing Guatemala. I have brought it up on a couple of occasions, pointing out that not too long ago I visited with the bishop of Chiapas, which is a state that borders with the nation of Guatemala, who told me, in horrifying terms, of the 30,000, 40,000 poorest of the poor taking refuge across the border in Mexico, even there, hunted down by the soldiers from Guatemala, not with Communist-made guns, not Castro-Cuban guns. One hundred percent of the guns used in Guatemala right now are American made. And they have ripped open the little bellies of 6-month, 7-month-old peasant children.

□ 1850

Are we so blind to this that we would not even take cognizance of these things that are happening daily even today in El Salvador? We have accepted as a fact what remains to be established as a fact and that is that General Duarte is conducting an acceptable regime. The truth of the matter is that if the American public were to see firsthand some of the televised bombings with our Huey attack helicopters, the slaughter of peasant women and children; Marxist-Leninists, 6 months old, and 7-year-old and

8-year-old girls, very much like the coverage we received during the Vietnam struggle, when we would see these live pictures of flamethrowers and the consequences and all.

I would say to you, my colleagues, that you would have this as the No. 1 priority matter before this House. You would join me as one on a resolution asking the President to come before us and account for the conduct of war.

Last September, the Defense Department admitted, and if anybody wants to find out, just call over there, that they had turned over an unnamed number of warplanes and other excess military material. Now, we have been debating here what everybody says is a barebones Defense budget. Where do we get these excess materials? And who were they turned over to, free, gratis? To the CIA for use in Nicaragua and in Central America. But nobody has asked in this body other than I, since when is the CIA a paramilitary organization? The charter law, the 1947 National Security Act that gave birth to the CIA, provides no such grant of power. Yet, it has taken over the forging of policy. It has conducted constant attempts to assassinate the Nicaraguan leaders. It has mined the harbors and bays of Nicaragua. Those are acts of war. Yet, we hypocritically maintain an Ambassador in Managua.

The President says it is an evil regime, yet he has his Ambassador there signifying to the outside world that we recognize that regime as legitimate. Now, my colleagues, let me say, we, domestically may accept all of that, but the world is not. I think in the terms of the Declaration of Independence that we must at all times have a regard for the decent opinion of mankind. It is no pleasure of mine to report this, but I have, any time I have gotten up I have documented what I have said.

Mr. Speaker, I would like to include at this point in the Record, from the New York Times of today, Wednesday, June 5, 1985, for the reading by my colleagues of two front page stories running side by side. One is headed, "Nicaragua and the United States Options: An Invasion Is Openly Discussed."

The other is, "White House Tells Nicaragua To Stop 'Aggressive' Moves." Then at the end of that article, there is a statement in which it is brought forth that the President had sent this confidential directive indicating that if everything else fails, that we will intervene militarily.

#### NICARAGUA AND THE U.S. OPTIONS: AN INVASION IS OPENLY DISCUSSED

(The following article is based on reporting by Joel Brinkley and Bill Keller and was written by Mr. Brinkley.)

WASHINGTON, June 4.—Reagan Administration officials have begun openly discussing a subject they had previously refused



even to speculate about: the possibility that American combat forces might one day be sent into Nicaragua.

No one in Government is saying that an invasion is imminent or desirable. But in the last few weeks, President Reagan, Secretary of State George P. Shultz and other senior officials have for the first time begun warning that if other policies fail, the United States may be left with little choice in the years ahead.

Interviews with almost 50 military, diplomatic and foreign governments experts in Washington, Panama, Costa Rica, Nicaragua and Honduras indicate that discussion of the issue has become commonplace in official circles.

The interviews and other inquiries also brought to light these points:

Although no one in Congress has publicly called for United States military involvement in Nicaragua, the mood on Capitol Hill in the last few weeks appears to have shifted sharply against the Sandinista Government. Many members say there is growing doubt that any of the policy options still available, including renewed aid to the insurgents, is likely to bring fundamental changes in the Sandinistas' behavior.

The Administration has agreed that a number of possible situations would leave the United States little choice but to use military force. They include Nicaraguan acquisition of high-performance fighter planes and the granting to the Soviet Union of the right to establish a military base in the country.

Both critics and sympathizers of the Sandinistas say they would not be surprised if Nicaragua committed an act that provoked American intervention.

In Central America, American officials and others assert that Nicaragua's neighbors are growing more concerned by the day about the Sandinistas' policies. In Nicaragua, an American official said, business groups and others are asking, "When are you coming?"

In public and in private, the Joint Chiefs of Staff, Defense Secretary Caspar W. Weinberger, the White House national security adviser, Robert C. McFarlane, Mr. Shultz and, most importantly, President Reagan, all have said they hope the United States is never called upon to send American forces to Nicaragua. Still, every official interviewed said that events beyond United States control could change that almost overnight.

#### CONGRESS IS OPPOSED TO MILITARY ROLE

Without support from Congress, Administration officials agree, military involvement in Nicaragua is most unlikely. Today, Congress remains implacably opposed.

Many members reacted with alarm last month when President Reagan, in a classified report in Congress, said the use of American military force in Nicaragua "must realistically be recognized as an eventual option in their region, of other policy alternatives fail."

In a speech to the American Bar Association on May 23, Mr. Shultz warned members of Congress that if they did not approve renewed aid for the American-backed Nicaraguan rebels, "they are hastening the day when the threat will grow, and we will be faced with an agonizing choice about the use of American combat troops."

And in an interview on May 22, Fred C. Ikle, Under Secretary of Defense for Policy, warned that if Congress persisted in what he called "a policy of pinpricks," it raised the risk of "some variant of the Cuban missile crisis."

"What are you going to do two or three years from now, when Nicaragua is fully armed?" he asked. "Are you going to provoke another Cuban missile crisis? Are you going to send in the Marines?"

At the same time, the Nicaraguan Government's reputation on Capitol Hill has soured in the last few weeks.

"The Sandinistas don't have any friends up here any more," an aide to the House Democratic leadership said. "The change has been almost palpable."

#### SANDINISTA'S TRIP COSTS HIM SUPPORT

A key event behind the change was the trip to Moscow by Nicaragua's President, Daniel Ortega Saavedra. The announcement came on the day the House was voting on renewed aid to the rebels, and many members of Congress said they were stunned by the timing.

Senator Sam Nunn of Georgia, the senior Democrat on the Armed Services Committee, said: "What he did was rather stupid, from the Sandinistas' own point of view. It certainly cost them support up here."

The clearest demonstration of the changed view is that both houses are now considering renewed aid to the Nicaraguan rebels, even though the House refused to approve aid in any form just a few weeks ago.

So far, however, Congress has shown little interest in granting the type of aid the Administration says is most needed—military aid. And Gen. Paul F. Gorman told Congress in February that, even with renewed military aid, the rebels could not be expected to change the Sandinista Government "in the foreseeable future."

The next most likely step, several officials said, is the ending of diplomatic relations with Managua.

"I think that is going to happen," said Senator Richard G. Lugar, the Indiana Republican who is chairman of the Senate Foreign Relations Committee. "But I don't know how soon."

If relations were ended, "then we might recognize a government in exile," Mr. Lugar said, referring to an idea that has been discussed among Administration officials.

A senior American official in the region said "we could permanently station U.S. forces" in Honduras. If that fails, the official added, "I guess the strategy would be a policy of containment," meaning heavily arming Nicaragua's neighbors. But Mr. Ikle said, "We know from experience that that doesn't work."

#### THE CHANGES DEMANDED BY THE ADMINISTRATION

In general, the Reagan Administration has demanded that Nicaragua demilitarize, cut its ties with the Soviet Union and Cuba and change its form of government to a pluralistic democracy.

But many officials in both the Nicaraguan and United States Governments believe the prospects are remote that the Sandinistas will adopt policy changes that would be satisfactory to the United States.

"They are hellbent on pursuing their policy," Mr. Ikle said. "The idea that you can strike a deal with them seems unrealistic."

In a speech in April, Nicaragua's President, Daniel Ortega Saavedra, said: "The United States still doesn't understand that this is an irreversible revolutionary process. Here, there can be no backward steps."

Senator Lugar said some members of Congress already believed that "the time for redemption is past" and that "a Marxist government can't reform."

In the months and years ahead, a Senate aide said, if further diplomatic sanctions are tried and fail, the military option may seem more tempting. "If you try everything and none of it works," he said, "then eventually you have everyone nibbling at the same bait."

#### WHERE THE U.S. DRAWS THE LINE

Asked under what circumstances the United States might attack Nicaragua, American and Nicaraguan officials say the line is most clearly drawn against the acquisition by Nicaragua of high-performance warplanes.

Last November, American officials said that they suspected Soviet-made MIG-21 jet fighters were aboard a cargo ship bound for Nicaragua and that they would probably order what they called a "surgical" air strike to destroy the planes.

If the planes were aboard the ship, they were never unloaded. But when asked this month if the Nicaraguan Government had given up the idea of acquiring MIG's Cmdr. Julio Ramos Arguello, chief of intelligence for the Nicaraguan Army, said simply, "No."

At the same time, American officials say they have not dropped the threat to destroy any such planes and in fact they have broadened it to include Czech-built L-39 jet training planes and similar aircraft.

The idea is that American warplanes would destroy the new planes and try not to hit anything else. Then in theory the attack would end. But a senior Administration official said: "I've never been able to see how that kind of phased operation stops because it sets off an action-reaction. If we hit the airport and maybe kill 80 or 90 people, they could come at the embassy."

In Managua, Commander Ramos said, "If the airplanes arrive, and if they bomb us, obviously we will be doing something about it."

Another circumstance would be the establishment of a Soviet-bloc military base in Nicaragua.

A senior Administration official said: "Access for Soviet Backfire or Bear bombers, port rights—any kind of Soviet military access, even without the presence of weapons systems. That would be a threshold." Nicaraguan and Soviet officials say they have no such plans.

#### ADMINISTRATION FEARS A SECOND CUBA

Still another circumstance, Administration officials say, would be the consolidation of Nicaragua's Government into what Administration officials often call "a second Cuba," meaning a heavily controlled, Soviet-bloc dictatorship that actively promotes Marxist revolution elsewhere.

A senior Administration official said of President Reagan: "Nobody who listens to him is completely sure, if it comes to the end of his term and Nicaragua is incontestably moving toward becoming a second Cuba: Will Ronald Reagan leave office letting it be just that?"

A senior American diplomat in the region said, "Above all, Ronald Reagan is a consummately pragmatic man" who would not use force if the circumstances did not warrant it.

But Mr. Ikle said, "Even members of Congress say they are not going to permit a second Cuba."

With a second Cuba, Senator Lugar said, "we might be invited" by Nicaragua's neighbors to invade "as we were invited in the East Caribbean." Before the invasion of Grenada in October 1983, the leaders of sev-

eral Caribbean island-nations formally requested American military intervention.

#### HOW ITS NEIGHBORS VIEW NICARAGUA

"In public and in private," Senator Nunn said, the other countries of Central America "would be strongly opposed" to an American invasion of Nicaragua.

But many American military and diplomatic officials and others in the region have reported a different view to their superiors in Washington.

A senior diplomat in San José asserted that "an awful lot of Costa Ricans" would in fact welcome an invasion.

A Costa Rican official who opposes the idea acknowledged that his Government probably would not condemn it. If the United States invaded, he said, his Government would issue a statement "saying something like 'it is unfortunate that the Cuban and Soviet advisers were invited in, and that the Sandinistas provoked it.'"

Costa Rica's Public Security Minister, Benjamin Piza Caranza, said, "There's no way we can live with a Marxist-Leninist state on our border that is open to exporting revolution." But he declined to speculate about how his country would react to an American invasion.

In Honduras, President Roberto Suazo Córdova has been quoted as saying that Nicaragua is "like a cancer: the only cure is to cut it off."

There is also a large and growing body of opinion within the Administration that the majority of Nicaraguans would welcome an American invasion, several American officials said.

An American intelligence officer who has interviewed dozens of people in Nicaragua said: "What the people tell me is 'we'd get out of your way and let you take care of the Sandinistas'." If American troops landed, the biggest problem United States forces would face, he added, would be preventing "severe retribution" against Sandinista officials.

#### POLLING THE PEOPLE ON MANAGUA STREETS

This officer has been called upon to brief numerous senior Administration officials on his views, including Mr. Weinberger, Mr. McFarlane and Gen. John W. Vessey, Jr., the Chairman of the Joint Chiefs of Staff.

Representative Glenn English, an Oklahoma Democrat who opposes some elements of the Reagan Administration's policy in Nicaragua, said the officer had briefed him too, but Mr. English was skeptical. So while in Managua this month, he and Senator David L. Boren, another Oklahoma Democrat, interviewed about 15 Nicaraguan citizens they chose at random on the streets.

"They were pretty strong on condemnation of the Government," Mr. English said. "Virtually all of them said they wanted a change in Government, and one lady said flat out, without being asked, that she wanted the U.S. to invade."

A spokesman for the Sandinista Government, María Christina Argüello, said: "They may criticize the Government now because of the economy and the shortages" of food and other items. "But when there is an emergency, you can be sure they will take up arms."

#### WILL THE NICARAGUANS PROVOKE AN ATTACK?

It is difficult to find anyone, friend or foe of the Nicaraguan Government, who is confident the Sandinistas will not make a miscalculation that could lead to a military confrontation with the United States.

Sandinista officials have said they are being careful not to give the United States a pretext to attack.

But Edward L. King, a retired Army lieutenant colonel who opposes Reagan Administration policy in Nicaragua and has spent months there talking to numerous Sandinista officers, says he believes "the chances are pretty good" that Nicaragua will err in a manner that could lead to an American military response.

The view of Mr. King, who has wide military and civilian experience in Latin America, is noteworthy because he knows the Sandinistas well and because they say they trust him. After observing them, Mr. King said, he has concluded that "some of them hate us so much they almost have a death wish."

Some members of the Sandinista leadership, he added, "almost want a confrontation with us." "The hotheads say, 'Yeah, bring the gringos in here' just so they can kill a few of them."

"I make no case for the Sandinistas," Mr. King said. "They are real blunderers."

An American official with wide experience in Nicaragua said it was "martyrdom," not blundering, that might cause the Sandinistas to prompt the United States to invade.

"I think it is their sense that the revolution is bogged down anyway, and maybe it wouldn't be such a bad thing if they could survive" an invasion "and be a legend."

In Managua, Sandinista officials say all such speculation is nonsense. Commander Ramos and others said the Nicaraguan Government was interested in negotiation with the United States, not military confrontation.

#### WHITE HOUSE TELLS NICARAGUA TO STOP "AGGRESSIVE" MOVES—CITES PERIL TO NEIGHBORS—REPUBLICAN LEADERS EXPRESS OPTIMISM ABOUT RENEWED EFFORTS FOR REBEL AID

(By Bernard Weinraub)

WASHINGTON, June 4.—The White House condemned Nicaragua today for what it called "increased aggressive behavior" against neighboring Honduras and Costa Rica.

"The U.S. strongly condemns these actions and calls upon the Government of Nicaragua to halt immediately any further military operations against its neighbors," said Larry Speakes, the White House spokesman.

At another point, Mr. Speakes said, "We're seriously concerned at signs of increased aggressive behavior by the Government of Nicaragua against its neighbors."

#### A NEW AID PACKAGE

The bluntly worded statement came as Congress prepared to consider a new package of nonmilitary aid to the rebels fighting the Nicaraguan Government. White House officials and Republican leaders expressed optimism that the House and Senate would endorse aid packages for the rebels.

"We will win in the Senate," said the Senate Republican leader, Bob Dole of Kansas, after a White House meeting with President Reagan. The House Republican leader, Robert H. Michel of Illinois, said, "I think we have the votes now to get a winning combination."

The House rejected a proposal for \$14 million in nonmilitary aid to the rebels in April. But Mr. Michel said today that a visit to Moscow by the Nicaraguan President, Daniel Ortega Saavedra, just after the vote, "changed a great number of votes on the House side."

#### THEY WANT TO COME ABOARD

"I think they're in rather an embarrassing kind of position now and want to come

aboard," Mr. Michel said of his House colleagues. "And we're going to do the very best we can."

Then the last is another separate little article. This one is headed, "Demilitarized Zone Sought," and it has a dateline Managua, Reuters dispatch, June 4:

#### DEMILITARIZED ZONE SOUGHT

MANAGUA, NICARAGUA, June 4.—Nicaragua today proposed the creation of a demilitarized zone along its border with Costa Rica after two border clashes in a week.

The zone would be established with the aid of the Contadora group, which is seeking a regional peace agreement.

But which we have deliberately attempted to suborn all along, to disrupt, what they call now the Contadora process.

I say that this is not fair to the United States. Despite all of this, there is a residual and an inherent liking and respect for America and Americans among the general populace even despite all of this. But if we fail to grasp the opportunity to deserve that kind of moral faith by using not our might, but our moral swasive power, which still remains intact, I believe, for this tragic record of the last 4 years.

From the beginning, if it is a policy at all, it has been a bankrupt one. General Haig said we draw the line, then, as developments succeeded, one upon the other, Nicaragua became a problem to the administration. General Haig then procured certain military from Argentina. He persuaded the then generals in charge of Argentina, some of the grossest violators of human rights in the history of human annals.

There was no question that under those circumstances the Argentinian leaders had every reason to believe that the United States would side with them when they went in and tried by force to take over the Malvinas or the Falkland Islands. But of course we were honorbound to side with our ally, Great Britain. With that, they pulled their troops out of Honduras.

Mr. Haig thought, well, we can use somebody else's troops in order to destabilize the Sandinistas and they were the first troops we introduced into Honduras. We did not care whether the Honduran people wanted Argentinians there or not any more than we cared whether they wanted us to have a base to train Salvadorans with whom they have been in conflict for years. We finally stopped that training when the Hondurans insisted that they could no longer tolerate that.

Just like just a week ago the Hondurans ordered the so-called Contras to leave the front zones that are aligned with the Nicaraguan border, because they knew that contrary to what our President is saying, we are the ones that are provoking the war and the fighting. We are the ones that



are seeking the pretext to invade Nicaragua. I say it is coming; the headlines will enable it.

Why, just last November I predicted a few days before the election, back home; not here; back home. What I say here is no different from what I say in my district. I said in my district, "You wait; there will be headlines: 'Migs in Nicaragua,' and you will hear the hue and cry that this will be the justification for our going in directly."

Sure enough, it happened just 24 hours after the election. It hit headlines about some 48 hours after the election.

□ 1900

What happened after that? The President had to come out and clarify that there were no Migs at all that were suspected as cargo in a ship due to arrive in Nicaragua. They were something else.

But it does not take much more than that, and in this case, tragically, the Nicaraguans will tire of having our Honduran or any other country equipped patrol boats sink their patrol boats in their waters, not in international waters. They will get tired of it and they will rise to defend, and at that point we will say that our ally, Honduras or Costa Rica has been attacked and that we must intervene.

The headlines will be there, and I am sure that all the President has to do is ask Congress to back him up in that hour of crisis, very much like the Gulf of Tonkin. I was here at the time and I know what happened then and I know how difficult it was, once that crisis hit that proportion, to have any kind of dispassionate, calm, reasoned consideration of anything. I guess it would be too much to expect under those circumstances, just like it will be too much to expect. We have already had a couple of Senators say, "Well, if any Migs ever happen to be found in Nicaragua, that will be grounds for me to say that I will vote for us to go in."

What I am saying is this: I am saying that it will be the most tragic thing. It will be an egregious error, a terrible mistake, not only in judgment but in a betrayal of the basic principles that have given America the real power, the real power of leadership.

In the first place, I do not think that would ever be necessary. In the second place, as I have been advocating since April 1, 1980, if I have ever taken this floor to criticize, I have also taken the time to offer suggestions, what I hope would be constructive suggestions, and just as I offered President Carter on April 1, 1980, and as I have done continually since then with his successor, President Reagan, and that is to use that last glimmer of persuasive moral power or leverage of leadership in a collective fashion in this new world.

I think the responsible leaders of these nations, if not all certainly the

majority would, join the United States, accept U.S. leadership, provided that leadership is one of creative, constructive partnership, and one that offers that greatest source of power of all, which is moral right power.

#### SUPPLEMENTAL APPROPRIATIONS IS BUDGET-BUSTING SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I am just going to take a couple of minutes here to review briefly an issue that I have raised the last couple of days and to tell the House precisely where we stand on this matter of the supplemental appropriation which is to come before us in the near future.

As I have stated, the supplemental appropriation is a problem because it is add-on spending. It is \$13½ billion of add-on spending. This is spending over and above what we had appropriated in the regular appropriations process last year.

It is almost by definition a budget-busting kind of spending. In fact, we now know it can be defined as budget-busting legislation because the rule has now come down from the Committee on Rules that we will consider tomorrow, and the first provision of the rule that we will consider tomorrow waives the Budget Act for this entire bill. Here it is. It is \$13½ billion worth of spending, and what we are saying in the case of all of the spending that is in this bill is that the Budget Act does not matter; can the Budget Act; it does not apply when it comes to this bill, \$13½ billion of spending. Forget what we passed in the budget when we passed it last year.

That is the reason, my colleagues, we have overspent our own budgets in this body over the last 5 years by \$157 billion. We have exceeded our own budget requests by \$157 billion. That is where deficits come from. All of these folks who come to the floor and talk big talk about deficits and want to be very, very clear about the fact that they are against deficits, they are spending your money to the tune of \$157 billion in 5 years over what they, themselves, put in a budget, and those budgets were badly out of balance when we passed them.

How does it happen? It happens in supplemental appropriations bills like the one we will have before us beginning tomorrow to increase spending by \$13½ billion and waive the Budget Act while we are doing it.

We not only waive the Budget Act. The rule we will have before us tomorrow literally waives the Rules of the House, basic Rules of the House in regard to our spending practices around here. They waive the Rules of

the House on 84 of the 101 pages of this bill. Get that. There are 101 pages in this bill, and 84 of them violate the rules in such a way that the rule we will have on the floor waives the Rules of the House so that we can consider this bill.

Now, when 8 out of 10 pages of a bill violate the Rules of the House, I think we have a problem. But when you go down through and read this rule, the whole front page of this consists of budget waivers or one kind or another, or appropriations riders or authorization riders or something that fits into the context of the Rules of the House that try to prevent us from spending money. What we do is just go through here on page after page and line after line waiving the Rules of the House so that we can go ahead and spend the money.

Let me demonstrate to you how bad it is. I went through, and just on the first 20 pages of the bill I went through and underlined page after page where I have it underlined here and page after page are the sections of this bill that are waived. Whole pages are waived in this bill. On page after page after page after page after page we simply say, "Forget the rules, forget what we adopted at the beginning of this year. Go ahead and spend the money."

That is how we come up with \$157 billion over our own budgets. That is how deficits are created. We get many arguments in this Congress about the fact that somehow it is everybody else's fault but ours when it comes to these big deficits in the spending. Somehow it is the President's tax program, it is defense spending, it is all of these things that are out of our control; we cannot help it because the deficits are just something we cannot seem to handle. But do not blame us. Do not blame your friendly Congressman, because after all, he cannot be a part of the problem. Well, I am telling you he is a part of the problem if he votes for this bill tomorrow, and if he votes for the rule that makes this bill in order, it seems to me he is a part of the problem, too, because the rule that makes this bill in order is what is going to allow that \$13½ billion to come out here in violation of nearly every major rule that we have that tries to prevent us from spending irresponsibly.

What this rule will say tomorrow is: Spend irresponsibly; spend in violation of the rules; spend in violation of the law, because the Budget Act is the law of the land. That is what we are going to have before us, and we will add on 13½ billion dollars' worth of spending if that bill passes and if that rule passes. The American people can begin to key in on just exactly what is wrong with this place when it comes to

spending. You will have a couple of votes in the next 2 days to look at.

□ 1910

#### NOTES ON A TRIP TO EL SALVADOR AND NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. SWINDALL] is recognized for 60 minutes.

Mr. SWINDALL. Mr. Speaker, I rise today to share with my colleagues in the House some of the facts that I gathered on a recent weekend trip to Central America.

Specifically, my colleague, the gentleman from North Carolina, Mr. BILL COBEY, and I left shortly after the House recessed last Thursday for Central America, spending 2 days in El Salvador and 1 day in Nicaragua. The purpose of our trip was obviously not to undertake to look at both countries in an exhaustive fashion inasmuch as 3 days would ill afford such an opportunity, but, rather, to talk with individuals firsthand in both of those countries in an attempt to somehow read more into the situation than one can read by simply reading briefs and documents and reading transcripts of the various hearings that have been held and arguments that have been made on the floor of the House.

I can state that, after spending that weekend, I feel that both my colleague and I came back with a much better feel for the people and, quite frankly, a thirst for finding out more about the situation in both of those countries.

I would like to take just a moment to share with the Members a summary of what we did do while we were there.

When we first arrived on Friday, we talked first with the Air Force officials there at the San Salvadoran airport. We viewed firsthand their military equipment. I was frankly impressed by the industry of the individuals that were a part of that air force, inasmuch as they hardly had sophisticated equipment, as I had been led to believe, but, rather, they had what I would call almost antiquated equipment, but they had simply worked on it to the point that it was usable. For example, there were two AC-47's that were no more than C-47's that had had mounted within their interiors two .50-caliber machineguns. Those were, from what I understand, responsible in large part for turning the tide with respect to the guerrilla activity in El Salvador.

We left from there and met briefly with the auxiliary bishop, Rosa Chavez, and my impression from meeting with the auxiliary archbishop was that while he was still dissatisfied with the state of affairs in El Salvador, he certainly felt that he had seen a tremendous improvement in a number of areas, including the economic stability, including a diminution of the human

rights violations, and, probably more importantly than any other, from his perspective, he was beginning to see hope for the Salvadorian people.

When it came to the issue of the guerrillas there, he said that the guerrillas, by having now moved into that mode of terrorism that probably is most characteristic of what we have seen in Lebanon, in Beirut, had lost what little popular support they had previously enjoyed. He said they had also done a number of things in the last several weeks, including the kidnapping of a number of the local mayors of the various townships that had not set well with the people, and in his opinion all of these were acts of frustration by the Salvadorian guerrillas, frustration that they simply were not able to capture the hearts and minds of the individuals who were apparently satisfied with the new President, Duarte, who was elected earlier.

The next person with whom we met was the Director of the Human Rights Commission, Benjamin Cestoni. I was impressed with this particular individual because he was very professional in not only the demeanor with which he addressed us but also in his response to various questions. It seems that he had been newly appointed to head a Human Rights Commission, and during the course of my dialog with him I asked him a number of questions, including documentation with a respect to complaints on human rights violations, the status of prosecutions, and the status of any convictions, if any. As I mentioned, I was impressed with this individual because of the professionalism that he showed, but I was equally impressed by his candor, because throughout the dialog it was very obvious that he was portraying to me a commission that was struggling in the sense that all was not rosy and certainly all the problems had not been solved, but he was certainly well on his way to establishing a separate Human Rights Commission that would look into some of the human rights violations of the past and certainly any which might occur in the future.

We left from there and met with a number of local business leaders and professionals, as well as labor union leaders, and again we carried on a very uninhibited dialog.

We also had the privilege of visiting with two totally different groups. One was a group that was a displaced persons camp, a camp that was in the heart of San Salvador, with about 1,500 people living in what was probably less than a 30-acre tract of small huts that had been hurriedly built by those individuals. As I talked randomly with the individuals that were living in those small huts, the question that my colleague and I continuously asked was: "What would you have us do in

the U.S. Congress, if anything, to help you, the Salvadorian people?"

And the answer that I heard was one that impressed me, because the answer was: "Help us get jobs."

I say that because the people that were gathered there wanted desperately to pull themselves up by their boot strings, and all they wanted was some type of helping hand to let them help their own families.

As I explored further, I found hope in the people that I spoke with. Quite frankly, I would not have been surprised if they had told me that they were in a state of great despair, without hope, but, contradictorily, they were actually people that saw a great deal of hope in their situation, because for the first time they were beginning to see their own government moving positively in the direction of improving what had admittedly been an unstable economy.

After leaving that area, we drove across the countryside about 40 miles outside of San Salvador and met with an individual named Padre Flavian, who was an individual that I found most interesting, because he seemed somehow, in the thick of things, isolated from what was going on, and his focus was narrowly on the plight of the people with whom he ministered daily. This individual, in the heart of El Salvador, had already established an orphanage and had already completed the final touches on a new hospital that would basically take care of a number of elderly in the region, and he had done all this with private funding, much of the funding from his colleagues here in the United States where he returned from time to time to Boston.

Mr. COBEY. Mr. Speaker, will the gentleman yield?

Mr. SWINDALL. I yield to the gentleman from North Carolina.

Mr. COBEY. First of all, Mr. Speaker, I want to commend the gentleman for taking this special order time, and I want to express my appreciation for being able to accompany him to El Salvador and Nicaragua.

I would like to go over, too, some of my impressions of our trip to El Salvador. Like the gentleman said, this was a factfinding trip. It was a quick trip. Our time was limited. But it is something that I believe that everybody in this body should do, because the impressions we can have through other people, whether they be in this body or in this Government, or through constituents that go down there, are not totally accurate. We have to see it with our own eyes.

□ 1920

This is one of the most important issues that our country is facing, so I believe it is imperative that Members of this body, our colleagues, find time



to go down to Central America, carve out the time in their schedule; but not only was it factfinding, it also was a liaison mission to help facilitate the reception and distribution of some 6 tons of medicine and medical supplies and equipment to El Salvador through Father Flavian Mucci that the gentleman mentioned earlier.

These supplies are being provided by the World Medical Relief in Detroit and the National Defense Council that funded the trip is going to make sure that those supplies and medicines are delivered down there.

Now, that is the kind of private effort that we need to get behind and support in this country, because as the gentleman has expressed, the economic situation is desperate in that country. They need our help, both public and private support; but as the gentleman has expressed, I saw a great deal of hope there, tremendous energy, even among the people in this dire circumstance of the displaced persons camp.

As the gentleman has mentioned also, the country is being stabilized militarily, as noted by the shift to lower intensity warfare where they have these terrorists acts going on, committed by the guerrilla forces.

Mr. SWINDALL. If the gentleman will yield back, one point I wanted to comment on with respect to the military activity in El Salvador was the fact that by law we are restricted to no more than 55 military advisers. I think that that was, quite frankly, a stroke of genius, inasmuch as the net result has been that our advisers are having to work closely with the Salvadoran Army, Air Force, and Navy officials, to teach them the necessary skills to become a more professional army, air force, and navy, and certainly professionalism and discipline is in large part responsible for the dramatic decline in human rights violations that we have seen in El Salvador and that were confirmed by the various individuals with whom I spoke.

One other point that impressed me was the concept that they are now working on, that they will basically go into the various hamlets and villages and train the citizens of those villages and hamlets in civil defense; the idea being that if each of the individual villages is capable of defending themselves from attack from guerrillas or what have you, that you will not have this centralized army that might well at some point under the wrong leadership turn on the people, that quite frankly right now have no way of defending themselves against such a force. This would, in essence, as I understand it, decentralize the military, would achieve the objective at least in large part of stabilizing the military situation, the guerrilla attacks that are trying to destabilize the economy through terrorist strategies and in so

doing it will take away, hopefully, some of the concerns that we have about capitalists who have moved out of the region, many of them into Miami and safer ports, for fear of the military and economic instability.

Incidentally, I have gathered from talking to a number of people that we are now beginning to see a return of some of the investment, which clearly will bring some of the types of jobs we have talked about being necessary to help the basic person that the gentleman and I talked to in the displaced persons camp, for example.

Would the gentleman concur with that?

Mr. COBEY. Yes, absolutely. Getting back to the military situation, I, too, was impressed with how unsophisticated the equipment was that the air force was using. The C-47 or AC-47 being the key element of their military air force is what we know as the old DC-3 built back in the forties, and yet it enables them to fly a platform of support for their troops on the ground. This has caused these guerrillas to go into a lower intensity warfare, such as terrorism.

Mr. SWINDALL. One thing the gentleman might explain is how that differs from the state of guerrilla containment before those new AC-47's were brought into the country.

Mr. COBEY. Well, before they were brought in, all you could fly over the guerrillas were strafing flights, coming in with jets and helicopters. You could not hold the guerrillas' action on the ground while the ground forces came in to try to engage them.

Mr. SWINDALL. So the net effect would be that they could literally strafe, fly off about the time they circled and came back over, the guerrillas would have moved.

Mr. COBEY. That is right.

Mr. SWINDALL. That these new AC-47's, or as the gentleman stated, they are really no more than DC-9's that had been converted—

Mr. COBEY. DC-3's.

Mr. SWINDALL. DC-3's that have been converted, that they simply circle the same fixed object, so that if there are 10 or 15 guerrillas in one unit, they can pinpoint them and basically hold them while ground support comes and either effects the capture or what have you.

Mr. COBEY. That is correct. I think one thing we should cover, I know the gentleman is going to talk about Nicaragua, but we should point out at this point in time the importance of the stabilization of the military situation in El Salvador as it relates to what is going on in Nicaragua. It is actually the Contras or the democratic resistance military pressure on the Sandinista government in Nicaragua that has enabled the stabilization of the military situation in El Salvador, because the Sandinista government is not able to

give the kind of aid they have been giving to the guerrillas.

As the gentleman knows, we brought back documents captured from Commandante Diaz on April 18 that show the complicity—

Mr. SWINDALL. If the gentleman would yield back at this point, I would like to insert into the CONGRESSIONAL RECORD a New York Times article, dated Tuesday, May 21, 1985, written by James LeMoyné, who is a special correspondent for the New York Times there in San Salvador, ostensibly in that article about what the contents of those documents were and the circumstances under which they were captured.

Mr. Speaker, I ask unanimous consent to include this article.

The SPEAKER pro tempore. Without objection, the article referred to by the gentleman from Georgia will be made a part of the RECORD.

There was no objection.

The article is as follows:

[From the New York Times, May 21, 1985]

#### CAPTURED SALVADORAN REBEL PAPERS LIST TRAINING CLASSES OVERSEAS

(By James LeMoyné)

SAN SALVADOR, May 20.—Documents captured from a Salvadoran rebel leader recently indicate that the leftist guerrilla officials are attending courses in the Soviet Union, Vietnam and Bulgaria.

The papers also indicate that the Salvadoran rebels consider Nicaragua their closest ally, one to be defended if it is invaded by the United States.

The documents give an unusually close look at the inner workings of the Salvadoran rebel high command and of relations with Nicaragua's Sandinista Government. They also indicate that, contrary to assertions by the Reagan Administration, the Sandinistas appeared ready to cut off aid to the Salvadoran rebels at the end of 1983 and may have done so, at least temporarily.

Senior Salvadoran military officers and officials at the American Embassy here have said they believe the documents, which were shown to news organizations by a Salvadoran military official, are authentic. The papers were captured last month from a senior rebel commander, Nidia Diaz, they said.

#### PAPERS APPEAR AUTHENTIC

Several small details appear to support the authenticity of the documents. Miss Diaz, told reporters in a brief news conference last month that she had been captured with "secret guerrilla material." The documents are grimy, folded and worn as would be expected of papers carried in the field. Names, dates and events seemed to fit actual events and people.

"Several officials of the United States Embassy have seen these documents," an embassy spokesman said. "We have every reason to believe in their authenticity."

But a senior rebel political official raised questions about the documents.

"They can put anything they want into supposedly captured documents," Jorge Villacorta, a member of the rebel Democratic Revolutionary Front, said in a telephone interview. He refused to comment on specific documents. No officials of Miss Diaz, rebel group could be reached.

## REBEL WAS BADLY WOUNDED

Miss Díaz was badly wounded before being captured by Salvadoran troops at the end of April. She is now recovering in police custody.

Miss Díaz is the most senior rebel commander to be captured by the Salvadoran Army. She is a top official in the Central American Revolutionary Workers Party, a Marxist group that is one of the five factions in the rebel military Farabundo Martí Revolutionary Front. The papers appear to represent virtually the entire archive of the Revolutionary Workers Party.

The documents contain analyses of international support for the rebels. They speak of seeking to influence the Democratic Party in the United States and the need to encourage Americans to back the rebels.

Guerrilla plans are outlined for peace talks with the Salvadoran Government. One diary entry calls President José Napoleón Duarte the rebels' "principal and most dangerous enemy." Another entry says the rebels risk being seen as "intransigents."

"Duarte wants to put us in an imperialist bourgeois project," the diary says.

A letter appears to show Guillermo Manuel Ungo, the rebels' chief political spokesman, complaining to rebel military commanders that they are failing to consult fully with him.

In a telephone interview, Mr. Ungo refused to comment on the letter. He said he could not accurately judge a document that he had not read.

A diary confiscated with the papers contains detailed notes of discussions at the La Palma peace talks between the Salvadoran Government and the insurgents, which Miss Díaz attended. One political pamphlet appears to be perforated by a fresh bullet hole. Another diary contains self-criticism for "political infantilism" and "paternalism"; a love poem, and a letter from a relative.

## KEY ENTRIES IN A DIARY

What seems to be Miss Díaz's personal diary for 1985 lists rebel officials to be trained abroad. The diary lists names under two headlines: "Courses 1984" and "Courses 1985." Thirteen rebel officials are listed as due to attend courses in 1985 in "VN" "BULG" and "USSR." The letters stand for Vietnam, Bulgaria and the U.S.S.R., according to Salvadoran and American officials. Miss Díaz is on the list to attend a course in Vietnam.

The listing for 1984 has 20 names of people to be trained in the same countries and in East Germany. Some of the listings are backed up by notes later in the diary. One entry says: "To Bulgaria: Ernesto Maldonado. To the U.S.S.R.: Irma, Marlina." Other entries refer to "technical" courses, and the study of explosives.

Another set of documents chronicle tense relations between the rebel high command and Nicaragua's Sandinista leaders after the United States invaded Grenada in October 1983. They show a much higher level of independence on Nicaragua than the rebels have publicly admitted. But the documents also indicate that the Sandinistas may well have cut off aid to the rebels in 1983.

Rebel officials did briefly leave Nicaragua in November 1983. The documents indicate that their departure came after a heated debate with the Sandinistas.

A short, handwritten note on Nov. 9, 1983, is addressed to "R. Roca" from "Simon." Roberto Roca is the head of the Central American Revolutionary Workers Party. A Salvadoran military intelligence officer said

"Simon" is the code-name for Shafik Handal, the head of the Salvadoran Communist Party.

The note says the Sandinistas are about to expel the rebels from Managua and will "definitely cut off supplies."

"I believe we must send a message to Fidel and seek a definition to know who to rely on," it adds. Salvadoran officials said they believe the note referred to Fidel Castro, the Cuban leader.

What seems to be a handwritten note by a rebel official on Nov. 7, 1983, refers to a meeting between "López" of the Sandinista Front's Directorate of International Relations and rebel representatives. Julio López is the head of the Sandinista Directorate of International Relations. The document says the Sandinistas are about to cut off aid because they fear an attack from the United States.

In what seems to be a last-ditch appeal to the Sandinistas, the document states that the rebels "consider that the Salvadoran peoples war has in its actual level of development a strategic importance for the Nicaraguan revolution and for the region. Nicaragua in the vanguard constitutes the advanced and true revolution."

The document says the Nicaraguans have asked for a list of rebels to be based near the border for military training. If the United States invades, the Salvadoran rebels are to fight in the Sandinista Army, the document says.

"All logistical support will be divided here to confront the aggression," the document adds. The Nicaraguans can no longer "be protecting supplies" to the rebels, it says, adding that most rebel officials living in Managua will have to leave and those that stay will be under the control of a Sandinista official.

A Sandinista military intelligence officer will be detached to "facilitate communications," apparently between rebels inside and outside Nicaragua, the papers say.

The guerrillas should stress the rebels' desire for unity with the Sandinistas, the document adds, calling for "the most intimate coordination in a concrete manner on all political, military, propaganda and diplomatic fronts."

## REQUEST FOR AID

A document from the five top rebel commanders to the Sandinista National Directorate on Nov. 10, 1983, calls on them to provide the rebels "new and audacious forms of aid," to allow the rebels to help repel an invasion.

"We thank you for all the aid you offered and we hope it continues because it is indispensable to defeat whatever form of invasion on Central American soil," the document says. Another document dated Nov. 2, 1983, calls for meetings with the Sandinistas and the Cubans.

A separate set of documents analyze international support for the rebels in Europe, Latin America and the United States. One document dated October 1984 calls for increased rebel attacks before the American Presidential elections. "If the Democrats win, it would fortify the tendency to negotiate," but would not necessarily change American strategy in Central America, the document says.

Mr. SWINDALL. I thank the Speaker.

One other point that I would like to mention with respect to what the gentleman was just talking about was the fact that as I talked to both military

and nonmilitary leaders alike, there was a general agreement that in direct proportion to the degree that there was an acceleration of the attacks of the Contras and the intensity of the attacks in Nicaragua, that there seemed to be a diminution of attacks and intensity of the attacks in El Salvador. When I asked about that, it was explained to me that their conclusion was that as the Contras were applying more and more pressure to the Sandinistas, that the net result was that the Sandinistas could not look outwardly to help those individuals who were now in El Salvador seeking to basically overthrow the Duarte administration in El Salvador.

One point that I thought was most significant about that is the documents to which we previously referred that were captured in late April. They point out very clearly that a number of the leadership in the Salvadoran guerrilla ranks have been trained in Vietnam, have been trained in Bulgaria, have been trained in the Soviet Union and in East Germany.

There was also a list of individuals who were scheduled to be trained in this year, 1985, in those same countries.

I think that is significant, because I have heard a number of our colleagues here on the floor of the House arguing that there is no linkage between the guerrillas in El Salvador and the Sandinista government.

Well, certainly that fact, coupled with the correspondence between the leadership of the Sandinistas and the leadership of the Salvadoran guerrillas, contradicts that. When you impose on top of that the documents that we found in Granada and the secret speech made by Commandante Arce, we begin to get some flavor of the complicity between those; but I think probably the most striking evidence of all is the evidence that they can actually see this lessening of guerrilla activity in El Salvador in almost direct proportion to the degree that the Contras are increasing their activity in Nicaragua.

□ 1930

There is one other point I would like to talk about which is the contrast that I saw between the government in El Salvador and the government in Nicaragua.

Mr. COBEY. Would the gentleman yield? I want to make several comments and then the gentleman was going to talk about Nicaragua.

As you mentioned, politically El Salvador is well on its way to maturity. We can be very encouraged about that. Also we can be encouraged in the area of social justice. They do need judicial reforms to bring about the kind of social justice that is needed in that



country, but they are working on it right now.

Mr. SWINDALL. Was the gentleman impressed, as I was impressed, by the commissioner in charge of the Human Rights Commission in El Salvador when he stated very candidly that they were having some problems within their judicial system because the judicial system had simply not been reformed to the degree that it needed to be reformed to see the type of expedition of the various cases that had been brought before them?

One point that impresses me about that is I find that not unlike our own judicial system, which is over 200 years old, where in many areas, including my area in Georgia, our criminal dockets remain jammed because we are so overloaded, and we, after 200 years, are still unable to perfect the system to the point that we can handle a number of criminal and civil matters in the expeditious fashion that we would all like to see, obviously.

Mr. COBEY. Yes; and moving on from the social justice area to talk about the economic conditions, and as you have mentioned, the situation is extremely deprived in area. You see the energy, the hope, and you come away believing that they are going to make it economically. But we got various estimates of unemployment in El Salvador from as low as 30 percent—can you imagine 30 percent unemployment in our country—up as high as 50 percent?

As you mentioned, the people that we talked to in the displaced persons camps, all they want is a job, an opportunity.

That explains the refugee situation we have in our country and we talked about that, as you remember.

Mr. SWINDALL. If you would, I would appreciate your just expounding a little bit on that refugee situation, because I think it links very directly to the sanctuary issue that is before a number of our colleagues, including ourselves here in Congress.

Mr. COBEY. They estimate that there are as many as 500 El Salvadorans or Salvadorans in our country and these people are basically fleeing from economic hardship to come to America, to earn dollars, a better life, money that they can send home.

Surely there are some people among these people that have either real or imagined fears. I know that I am sure that is true. But I saw no evidence of reason for them to have those types of fears. I could see that they had reason, although illegally, they had a tremendous motivation to leave El Salvador to just earn a living, and I would like to yield back to the gentleman to speak on the sanctuary issue.

Mr. SWINDALL. Was it your impression from talking with various individuals, officials, and nonofficials

alike, that their impression was only a very small percentage of those refugees now in the United States, many of whom are seeking sanctuary, are in the United States for purely political reasons but, rather, are here principally because of the economic issues that one might suspect automatically occur when you have between 30 percent, as you stated earlier, and 50 percent unemployment?

I think part of the reason for the variance is whether you include in your unemployment figures underemployment, which clearly is existing in that country today. Was that the impression that the gentleman had?

Mr. COBEY. That is definitely the impression that I came away with.

Mr. SWINDALL. Let me move for just a moment to another topic by way of contrast and comparison that I think is very, very important, and that is the issue of the human rights violations.

We talked briefly about what we saw and were able to learn in El Salvador. But I would like to talk for just a moment about the individual with whom we met and spoke to in Nicaragua, a lady that was a former nun, as I understand it, Marie Hartman.

If you will recall, we had asked that we meet with a counterpart in Nicaragua that was with the Sandinista government, that was in charge of the Human Rights Commission. It is my understanding that there is a separate, independent Human Rights Commission, but I specifically wanted to meet with the Sandinista-sponsored Human Rights Commission. And we did, in fact, meet with that lady.

One of the things that I would like to talk about is, first of all, when we walked into the room we were told that she was not really an employee of the Sandinista government and, further, we were told that she was in charge of the Human Rights Commission.

Taking that at face value I began a series of questions which, incidentally, were virtually identical to the questions both in terms of substance and sequence, that I had asked of her counterpart in El Salvador, and my first question, if I recall correctly, was "How many employees do you have." And she said there were five others. And I said, "By whom are they paid?" and she said by the Sandinista government. And I said "Fine; who pays your salary?" and she said the Sandinista government. And I said fine. That was slightly different than what we had just been told not more than 5 minutes earlier.

But then I said, "Well, let me ask you this: How many complaints have you received in 1984 with respect to human rights violations?" and her response was, "I don't know."

I said, "Well, could you give me a ballpark?" and she said "I really probably couldn't."

Then I said, "Well, was it more than 10?" and she said, "Probably."

And I said, "Well, let me ask you this: Do you keep documents on all of these?" and she said "Really, you are asking me a question that I am not equipped to answer because I am not in charge of all of the human rights violations, investigations, and prosecutions," at which point I said, "Well, what, ma'am, are you in charge of?" and she said, "Well, only penitentiaries."

I said, "Fine. Well, let me ask you the same question as it relates to penitentiaries" at which point she said she didn't know how many complaints, what the status of the complaints were. She had no files available and in short she really knew very little.

At that point I began to become just a tad skeptical of this lady's expertise. And let me make this last point and then I will yield.

So I asked her, I said, "Well, let me ask you about a very specific point, the displacement of the Miskito Indians. Do you consider that to be a violation of human rights?" and her answer to me was alarming, as I am sure it was to you. She said no, under the circumstances of war, these individuals were caught in a crossfire and somehow it was not the responsibility of the Sandinista Government, which I found incredible, because even those in my District who are totally opposed to U.S. policy, and certainly sympathetic to the Sandinistas, have conceded that point at least.

I now yield to the gentleman.

Mr. COBEY. As I remember, under questioning, of course, she said she could not produce any documents of human rights violations and I may not recall it exactly, but I think under questioning she finally said to you that there were no human rights violations in 1985 by the Sandinista regime.

Mr. SWINDALL. That is correct.

Mr. COBEY. Did I hear that correctly?

Mr. SWINDALL. She finally reached that conclusion. And I think it was at that point that you and I looked at each other and basically decided mutually that there was very little to be gained by continuing that conversation any further.

The next point that I would like to make with respect to that was the difference in the attitudes, both in terms of professionalism of the gentlemen with whom we met in El Salvador, but also in terms of the candor and the documentation, and the problems, the candor about the problems, and quite frankly, not trying to paint the perfectly rosey picture that obviously Sister Marie Hartman was trying to paint.

□ 1940

One other conversation point that I remember very vividly because another gentleman that was with us, Mr. Messing, asked her a question about the status of education because she was talking about how in her judgment education had improved significantly under the Sandinistas. At that point he asked her a question. He said, "Let me ask you, does their education process include the types of materials that we have seen that show the young children there being trained by saying five submachine guns plus four submachine guns equal nine submachine guns?" The militaristic notion of all of their studies. And then I asked another question, I said, "I have been told that the popular church here, that basically portrays the person of Christ of a militaristic revolutionary, has certain material that literally portrays Christ in that fashion." I asked her if she was familiar with that. She said yes, that did exist, and that was in fact material that was readily available in Managua in Nicaragua.

Do you recall those conversations?

Mr. COBEY. Yes; I recall that conversation. When she was asked well, why are those types of materials being used, she alluded to some committee of parents that get together and select the kind of materials that are going to be used in the school. Of course, you know, that is not a very credible statement.

Mr. SWINDALL. Let me talk now about a separate meeting that we had in Managua, and that was at La Prensa, La Prensa being the opposition newspaper. The reason I would like to talk about that is first of all I was impressed as I am sure the gentleman was by one lady, Violetta Chamorro, who has a very interesting past herself, because as you will recall, she was married to the former La Prensa director, Pedro Joaquin Chamorro, who was in fact allegedly assassinated by Somoza, and I say allegedly because his widow, Mrs. Chamorro, said there is now speculation that perhaps Somoza did not assassinate her husband because the individual charged with that crime has never been brought to trial by the Sandinistas. But moving for a moment from that topic, the point I would like to focus on is, this lady who was probably in her mid-fifties, had served as part of the original junta, following the July 1979 revolution. She came in, because clearly she wanted to see the Sandinista revolution work. She served side by side with the original junta, until finally, as she shared with us, she left because she recognized that those with whom she was serving were Communists who had absolutely no intention of satisfying the promises that they had made in July 1979. I suspect that those were the same revelations that led President Carter in 1980 to

basically cut off the aid that we had afforded for 2 years, \$118 million directly to the Sandinistas, after aiding the Sandinistas in the removal of Somoza. And as we talked further we began to ask her about censorship. And she shared with us the fact that while there had been censorship under Somoza, the censorship had never been as severe, both in terms of volume, but also in terms of how erratic it was; and at that point she shared with us an entire file of censored material that had been, first, offered obviously to be printed in La Prensa, and it is my understanding from talking with her that they must submit the entirety of their copy to the Sandinistas, who then go through the copy and return to them what they can and cannot print. I am holding here, tonight, of course, just 1 day, May 23 of this year, where literally the vast majority of what had been submitted had been censored.

One topic that had been censored that I found extremely significant was a photograph that showed a large load of U.S.-labeled drugs that had been dumped by the Sandinista Government. It was a photograph that had been run in La Prensa but censored so that it could not be put on the streets. And I say that I found that interesting because, as you and I know, after leaving La Prensa we went back into Managua and we were walking through one of the hotels there and as we were walking, you, myself, and a camera crew out of Atlanta that was covering it for ABC News, we were stopped by a group of individuals who were sitting in the lobby who were obviously American, English-speaking, and they at that point said to both of us that they had heard there were two Senators in town who were only going to be there 1 day and had already made up their mind and if I recall, they asked us if we were those two Senators. At that point I said well, neither of us are Senators, but we are in fact Congressmen who are here for the day. They said at that point, "Well, have you made up your mind?"

My response was, "About what?" Their question was, "Well, about this nonsense of there being some type of Soviet presence here in Nicaragua?" And I remember being impressed by that because not more than 10 minutes earlier you and I had met with a group of professional people, including doctors, dentists, and lawyers, all of whom told us of the fact that it is common knowledge that the intensity of the situation in Managua is such that most everyone now knows that Nicaragua is no more than a Soviet base, that Fidel Castro was in and out literally two and three times a week; folks talked with Soviet advisers, Cuban advisers. And I mention that because when they asked that question I was just struck by the contrast

between these Americans that were sitting in the luxury of a lobby in downtown Managua who began to interrogate. So my statement to them if I recall correctly was, "Well, yes, I do think that I have heard statements that led me to believe there is some validity to that argument." At which point this lady from California said, "Well, I think there are more Communists in Berkeley than I think there are in Nicaragua."

My response was then, "I cannot argue with you about that." She then was interrupted by another of her friends who said, "How can you justify the President's embargo?"—I think he meant the economic sanctions—"that basically are hurting most Nicaraguan people because it deprives them of drugs and medical supplies that are so desperately needed?"

I shot back at the individual and said, "You obviously have not read the President's Executive order because expressly excluded are drugs and medical supplies."

□ 1950

And then one of his friends there chided him for that. I said, "But let me ask you a question. Have you been to La Prensa, the opposition newspaper, and talked with those people?" His response was, "No; but I read the paper." And I said, "The problem with that is, had you gone there you would have found and been able to see this photograph," which I pulled from my pocket and he looked at it and said "I never saw that photograph." Of course it was a photograph of the dumped American-supplied drugs, and I said "That's the whole point, the photograph had been censored, and you never saw it because you are seeing the world of Managua and Nicaragua from inside this hotel."

There was no doubt in my mind he and his friends, that probably have never even really spoken to anyone other than in the confines of that hotel, will be back in Washington, lobbying their individual Congressmen, telling them of their own individual excursion into Nicaragua and their facts that they found, and as I heard all of that, I began to have some question about some of the experts.

Interestingly enough, they were critical, if I recall, of the fact that we were there for such little time. My statement to them was,

Well, don't you think that it is better to have some exposure to the situation now, given the complexity of the issues than to simply wait until there is an occasion that we can go for 2 or 3 or 4 weeks?

I am sure that you have had similar statements about the validity of going for 3 or 4 days. Do you have any comments about what you feel you may have learned or not learned?



Mr. COBEY. As the gentleman knows, a picture is worth 1,000 words, and it certainly was for me, to see, for example, in Managua when we flew in, five of those Soviet-made helicopter gunships.

Mr. SWINDALL. Are you talking about the Hin-D helicopter?

Mr. COBEY. The Hin-D.

Mr. SWINDALL. Would you describe those just a little bit?

Mr. COBEY. Well, I am not a military expert, but these are normally referred to as "flying tanks." They are turbojet—we have no comparable weapon. They are capable of just slaughtering the Contras; they can carry a squad of people in these jets and as I understand, they are manned by Cuban pilots.

Now, when are we going to recognize the depth to which Cuba, the Soviet Union, Libya, Bulgaria, and other Eastern bloc countries are involved in this conflict?

Looking at another thing that is quite disturbing down there, is the fact that they have, their program has been in process of indoctrinating the people to communism for 5 years now. This means that the children have been indoctrinated for 5 years. Of their population of 3.2 million people, 40 percent of those people are 15 years and under.

So in a real sense, we are running out of time as they have time to indoctrinate the young people, to alter their minds.

Mr. SWINDALL. One of the points that is also salient in my own mind is the meeting that you and I had with the group in Managua that was comprised of two attorneys, a dentist, and a physician, and they began to ask us some questions, if you will recall.

One of those questions was, Why do the American people not understand what an opportunity they have here to avoid another Cuba? We began to dialog, and basically what they were saying was, we have here a group of individuals many of whom had fought side by side with the Sandinistas prior to July 1979. Individuals who had hoped as they started this revolution, that perhaps some of their dreams would be realized, but that as the election never materialized—and then if you will recall in 1980 when Daniel Ortega announced that the elections would occur 5 years later, shocking even the most ardent supporters.

Slowly, individuals began to break away from the Sandinista government. They started with a number that these gentlemen told us was less than 500, and that now they have grown to the point that they are over 17,000 and literally have some 5,000 waiting that would gladly join if they had the arms and the supplies to fit them.

Their statement to us was,

Don't you realize that we can basically pressure the Sandinistas into change if we

act now? But if we act too long down the road, what will inevitably happen is, they will become fortified that they will become like Cuba.

They talked a little bit about how impenetrable Cuba is and how Daniel Ortega and the various leaders of the junta that now are sitting in Managua had stated originally that they were Communists, but that then suddenly their public rhetoric took a change where they began to talk like they really were not; and they said that is exactly what Fidel Castro did.

They are buying time to simply build this arsenal and then they pointed out the fact that the Sandinista ground troops have increased from less than 10,000 to the present status of over 62,000 and quite frankly it would be larger but for the fact that they are having so many AWOL's that are literally going over to the Contra side, and as they got to the bottom line, it became obvious to me that they were frustrated.

They said,

Why can't your people give \$14 million just to symbolically help us? Because those people have the determination to do it, but it would mean so much if they would simply know that you are supporting us.

Then he went further to talk about what was at stake from our perspective. He says,

Don't you realize that they will in fact begin to export this revolution, as they already are, to the point that you are not going to be fighting in Nicaragua, but you are going to end up fighting in Mexico and maybe even in Texas.

I remember being struck by that argument because I was on the verge of asking them the same question that I asked everywhere we went; and that was, What do you think our policy should be with respect to funding the Contras?

I think you will agree with me that the almost unanimous consent was, and the only exception that I recall was Sister Maria, that even though some disagree with the guerrillas because they simply do not want war, they understand that under the circumstances there is little choice.

The point is that if they do not do something, the totalitarianism will become complete.

The lady at La Prensa, basically Mr. Morris said, "If you don't apply that pressure, it will get much, much worse."

The point that I keep going back to is that as we look at that 10,000-foot runway, which obviously we were not allowed to even fly near, that is nearly complete, they will soon have the capacity in Nicaragua to do precisely what they were doing in Cuba; and that is to act as a base for the Soviets so that they can fly a bare reconnaissance flight up and down our western seaboard, where all of our vital defense mechanisms are, similar to what

they are now doing up and down our eastern seaboard.

The significance to me is the financial issue of this: If they do that, and the threat becomes complete, all of our defense systems which are presently north-facing, will become obsolete and we will have to redesign our defense system, costing literally billions of dollars in order to now contemplate the certain threat in our hemisphere that has never existed prior to Cuba.

I yield to the gentleman.

Mr. COBEY. The gentleman also could mention the fact that this would give an area for a sub base in the future, so that the Soviets could take their submarines up our west coast and be off our west coast as they are off our east coast; another military problem for the United States.

Mr. SWINDALL. Let me mention one other, and that is the fact that the Panama Canal sits in Central America, and is the only route to shift military forces from the Pacific theater; the naval forces specifically, into the Caribbean and Atlantic theater without losing literally days, and of course that is of tremendous significance to that isthmus there.

I yield to the gentleman.

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Mr. COBEY. I want to underscore the fact that the people of Nicaragua, anybody, would like to see this solved diplomatically, through whatever process—the Contadora process, diplomatic pressure that we could bring to bear on the Sandinista government. That is the moral high ground. All of us can agree to the fact that we wish that the Sandinistas would return to the values that were espoused in the revolution in 1979, but they betrayed so many people, and this is what has created the democratic resistance. These people, the Contras, the democratic resistance, the freedom fighters, whatever you want to call them, are the forces of liberation in Nicaragua. And although these people are hoping for diplomacy and negotiation to solve this problem, that can be a stalling tactic, as this indoctrination goes on and they can consolidate the powers there, bring about what is known as the three black flowers of Marxist-Leninism or communism.

We have alluded to La Prensa as the only opposition newspaper that is allowed to operate in that country, and it is heavily, heavily censored.

One has a new appreciation for a free press, freedom of the press. It is essential in any free society. You cannot have a free society without a free press. And I have taken my share of criticism from the press. I believe all of us who operate in the political arena take our criticism. But I am thankful that I can live in a country

where that kind of criticism can be leveled.

That is the first black flower of communism. We also saw a second one, a fear on the part of the people to speak out against the regime because of reprisals that will come their way if they are discovered speaking out.

Also, we see a movement to control the economy. The economy is a disaster at this point in time because, as we know, any Communist or Socialist economic system, well, frankly, it does not work.

Mr. SWINDALL. Incidentally, in that connection, was the gentleman impressed by stark differences between what we saw in El Salvador and what we saw in Nicaragua with respect to the availability of products, the street activity, in the sense that in El Salvador every place you went there were street vendors selling fresh produce, selling their wares, and whatever, whereas in Nicaragua you saw none of that? You saw buildings that had previously housed various industry, as well as retail outlets that had been nationalized and were now housing government offices and officials, and I found it to be very depressing. And as we talked to individuals, they said everything was in severe supply shortage. In fact, we asked, "Well, do you think the economic sanctions will have a negative impact?" And most said no, because it could not get any worse, but that they saw it primarily as a symbolic gesture that showed our solidarity behind the Contras.

Mr. COBEY. Right. Well, that third black flower is control of the economy. So they are marching straight in the direction of the lines that we know exist in the Soviet Union-Eastern bloc nations. Shortages are a way of life.

Mr. SWINDALL. Is it not true that as you control the economy you then can control the democratic process, inasmuch as you make the statement to individuals that if you do not vote in such and such a fashion or participate in such and such a fashion, you will not receive your rationing coupons or you will be cut off from this or cut off from that?

Mr. COBEY. That is precisely my point of the three black flowers. First, you control the information that the people get through the press or whatever means, and you feed them precisely what you want them to hear. And, second, you use fear and intimidation to keep them from speaking out. And then, third, you control the economy so that they are dependent on the state for their food, their housing, their medical care; and, therefore, you have total control of a situation.

I think we ought to look at this on a broader scale, too: How does it affect the United States?

Well, people who oppose aid to the Contras say they do not want another Vietnam. Well, certainly, the gentle-

man and I do not want another Vietnam.

Mr. SWINDALL. Let me ask the gentleman a question about that: When we were engaged in Vietnam, was not the precise point that if the Communists were not stopped in North Vietnam that they would almost certainly spread to South Vietnam, Cambodia, Laos, and Thailand? And is it not true that today, 10 years after American withdrawal, we see precisely that, with the exception of Thailand, which is today being shelled and almost certain to fall?

Mr. COBEY. Right. I was going to get around to that, not in those terms, but draw some connections.

Right now, freedom fighters, the Contras, all they want is some help, some aid. They will fight their own battle. We are not talking about sending military men from America to Central America, and none of us wants to do that. It is a brutal conflict down there.

Mr. SWINDALL. Did the gentleman speak to a single individual who even suggested that we send American troops in?

Mr. COBEY. No. We did not talk to anybody who wants that.

Mr. SWINDALL. The people I spoke to said they did not want American troops, that they were prepared to do what was necessary but they needed something to offset the tremendous influx of Soviet and Cuban advisers, supplies, military and humanitarian, that were coming in. And, obviously, Daniel Ortega's recent trip exemplifies that.

Mr. COBEY. When I voted for the aid to the Contras, the \$14 million, I voted for it because I do not want another Vietnam. I do not want to send our men down to Central America.

Mr. SWINDALL. Is it the gentleman's conclusion that this is an opportunity to avoid, ultimately, having another Vietnam, because we can utilize their own initiative, their own reasons for wanting to bring pressure to bear on the Sandinistas?

Mr. COBEY. Right, and if we do not aid them, we may have to use American fighting men at some point in the future when they export revolution. It may be in Mexico, it may be on our border. But let us recognize there are 100 million people between our Texas border and the Panama Canal.

When we left Vietnam, we had what we called the boat people. Ten percent of that population got on rickety boats in the South China Sea to escape communism, who are the greatest human rights violators of all time. What is going to happen if we allow Communists to take over and to have a foothold there in Nicaragua and export their revolution in Central America? We are going to have the feet people. And we will have at least 10 percent or well over 10 million that will be

coming to this country. Most of them are the type of people we want in our country. But we have to recognize that this group could be salted with KGB-trained terrorists. What would we do in our society, in this country, this open country, if we had terrorists in this country poisoning our water supplies, bombing our bridges, bombing our airports? This is a serious matter. We must look in the direction, we must aid these freedom fighters. It is the best option that we have, given the fact that the Sandinistas will not meaningfully engage in dialog, in negotiation.

Mr. SWINDALL. The gentleman has raised a point that I would like to explore, because it was one of those areas that I had a great deal of uncertainty and lack of clarity in my own mind prior to going on this trip, and that was the composition of both the leadership and the rank and file of the Contras in Nicaragua. And almost inevitably as I spoke with various individuals, many of whom, again, were individuals who were formerly supportive of the Sandinistas, I would ask: Tell me about the leadership of the Contras, tell me about the rank and file Contras. And their statement was that most of them were people from out in the countryside or they were people who were formerly part of the revolution. They used one example, and I would like to focus on this one example.

The SPEAKER pro tempore. All time of the gentleman from Georgia [Mr. SWINDALL] has expired.

Mr. SWINDALL. I thank the Chair.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SPRATT (at the request of Mr. WRIGHT), after 2:45 p.m. today and for June 6, on account of a necessary absence.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BLAZ) to revise and extend their remarks and include extraneous material:)

Mr. McEWEN, for 5 minutes, today.

Mr. ARMEY, for 5 minutes, today.

Mr. McEWEN, for 15 minutes, June 6.

Mrs. BENTLEY, for 10 minutes, June 6.

(The following Members (at the request of Mr. RAY) to revise and extend their remarks and include extraneous material:)

Mr. BUSTAMANTE, for 5 minutes, today.



Mr. RAY, for 5 minutes, today.  
 Mr. ANNUNZIO, for 5 minutes, today.  
 Mr. KLECZKA, for 5 minutes, today.  
 Mr. ALEXANDER, for 10 minutes, June 10.

#### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MICHEL, and to include extraneous matter, during consideration of H.R. 1460, Anti-Apartheid Act of 1985, in the Committee of the Whole, today. (The following Members (at the request of Mr. BLAZ) and to include extraneous matter:)

Mr. McCAIN.  
 Mr. BEREUTER.  
 Mr. PORTER.  
 Mr. COURTER in two instances.  
 Mr. GEKAS.  
 Mr. GUNDERSON.  
 Mr. CLINGER.  
 Mr. BROOMFIELD.  
 Mr. LEWIS of California.  
 Mr. BLILEY.  
 Mr. VANDER JAGT.  
 Mr. DREIER of California.  
 Mr. HARTNETT.  
 Mr. HENRY.  
 Mr. CRANE.  
 Mr. WEBER.  
 Mr. KEMP in three instances.  
 Mr. McGRATH.  
 Mr. LAGOMARSINO in four instances.  
 (The following Members (at the request of Mr. RAY) and to include extraneous matter:)  
 Mr. MAZZOLI.  
 Mr. MILLER of California in three instances.

Mr. HAMILTON.  
 Mr. YATRON in two instances.  
 Mr. ACKERMAN.  
 Mr. MURTHA.  
 Mr. ATKINS.  
 Mr. SHELBY.  
 Mr. MONTGOMERY.  
 Mr. RANGEL.  
 Mr. CARR.  
 Mr. FORD of Michigan.  
 Mr. WISE in two instances.  
 Mr. DOWNEY of New York.  
 Mr. DYSON in two instances.  
 Mr. CONYERS.  
 Mr. DORGAN of North Dakota.  
 Mrs. SCHROEDER.  
 Mr. FLORIO in two instances.  
 Mr. LUKEN.  
 Mrs. BOXER.  
 Mr. DELLUMS in two instances.  
 Mr. TORRES.  
 Mrs. BURTON of California in two instances.  
 Mr. TOWNS.

#### ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 873. An act to amend title 5, United States Code, to provide that employee organizations which are not eligible to participate in the Federal employees health benefits program solely because of the requirement that applications for approval be filed before January 1, 1980, may apply to become so eligible, and for other purposes.

#### BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2268. An act to approve and implement the Free Trade Area Agreement between the United States and Israel.

#### ADJOURNMENT

Mr. SWINDALL. Mr. Speaker, I move that the House do now adjourn. The motion was agreed to; accordingly (at 8 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, June 6, 1985, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

1418. Under clause 2 of rule XXIV, a letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the fourth calendar quarter of 1984, pursuant to Public Law 93-438, section 208; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 186. Resolution waiving certain points of order against, H.R. 2577, a bill making supplemental appropriations for the fiscal year ending September 30, 1985, and for other purposes. (Rept. No. 99-160). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2370. A bill to amend the Public Health Service Act to extend the programs of assistance for nurse education; with amendments (Rept. No. 99-161). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOWARD (for himself, and Mr. YOUNG of Missouri):

H.R. 2667. A bill to amend the Federal Aviation Act of 1958 to provide for the revoca-

tion of certain certificates for air transportation, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. ADDABBO:

H.R. 2668. A bill to permit collective negotiation by professional retail pharmacists with third-party prepaid prescription program administrators and sponsors; to the Committee on the Judiciary.

By Mr. DORGAN of North Dakota:

H.R. 2669. A bill making supplemental appropriations for the fiscal year ending September 30, 1985, for the Temporary Emergency Food Assistance Program within the Department of Agriculture; to the Committee on Appropriations.

By Mr. HANSEN (for himself, Mr. NIELSON of Utah, and Mr. MONSON):

H.R. 2670. A bill to designate certain lands within units of the National Park System in the State of Utah as wilderness, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DYMALLY:

H.R. 2671. A bill to provide for the improvement of faculty development and administration for universities, colleges, and secondary schools in certain countries and U.S. territories and possessions in the Pacific region; jointly, to the Committee on Foreign Affairs, Interior and Insular Affairs, and Education and Labor.

By Mr. GUARINI:

H.R. 2672. A bill to redesignate the New York International and Bulk Mail Center in Jersey City, NJ, as the "New Jersey International and Bulk Mail Center", and to honor the memory of a former postal employee by dedicating a portion of a street at the New York International and Bulk Mail Center in Jersey City, NJ, as "Michael McDermott Place"; to the Committee on Post Office and Civil Service.

By Mr. KANJORSKI:

H.R. 2673. A bill to amend title 5, United States Code, to allow the detailing of administrative law judges from one agency to another without reimbursement; to the Committee on Post Office and Civil Service.

By Mr. KLECZKA:

H.R. 2674. A bill to authorize certain uses to be made with respect to certain lands conveyed to Milwaukee County, WI, by the Administrator of Veterans' Affairs; to the Committee on Veterans Affairs.

By Mr. PETRI:

H.R. 2675. A bill to establish a commission to study ways of improving defense procurement; to the Committee on Armed Services.

By Mr. PETRI (for himself, Mr. CHAPPIE, Mr. ARMEY, Mr. CLINGER, Mr. LAGOMARSINO, Mr. KOLTER, Mr. SHUMWAY, and Mr. YOUNG of Florida):

H.R. 2676. A bill to amend the Fair Labor Standards Act of 1938 to require that wages based on individual productivity be paid to handicapped workers employed under certificates issued by the Secretary of Labor; to the Committee on Education and Labor.

By Mr. SHELBY:

H.R. 2677. A bill to repeal the provision requiring a State to require proof of payment of the Federal use tax on heavy vehicles before a vehicle subject to such tax may be registered; to the Committee on Public Works and Transportation.

By Mr. STANGELAND:

H.R. 2678. A bill to settle unresolved claims relating to certain allotted Indian lands on the White Earth Indian Reservation, to remove clouds from the titles to cer-

tain lands, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, and Mr. CHENEY):

H.R. 2679. A bill to amend the Clean Air Act to control certain sources of sulfur dioxide to reduce acid deposition; jointly, to the Committees on Energy and Commerce, and Science and Technology.

By Mr. VANDER JAGT:

H.R. 2680. A bill to amend title XVIII of the Social Security Act to treat certain rural osteopathic hospitals as rural referral centers for purposes of payment under the prospective payment system; to the Committee on Ways and Means.

By Mr. HENRY (for himself, Mr. HALL of Ohio, Mr. PETRI, Mr. COURTER, and Mr. MOODY):

H.J. Res. 305. Joint resolution to recognize both Peace Corps volunteers and Peace Corps on the agency's 25th anniversary, 1985-86; to the Committee on Post Office and Civil Service.

By Mr. WALKER:

H.J. Res. 306. Joint resolution to request that the Secretary of State raise the case of the imprisonment of Aleksandr Shatravka with the Soviet Union; to the Committee on Foreign Affairs.

By Mr. YOUNG of Florida:

H.J. Res. 307. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DYMALLY (for himself and Mr. RANGEL):

H. Con. Res. 159. Concurrent resolution expressing the sense of the Congress that the President should grant a posthumous full, free, and absolute pardon to Marcus Garvey for any offenses against the United States for which he was convicted; to the Committee on the Judiciary.

By Mr. SMITH of New Hampshire (for himself, Mr. COBLE, Mr. BARTON of Texas, Mr. WALKER, and Mr. ARMEY):

H. Con. Res. 160. Concurrent resolution to limit appropriations for the legislative branch until the budget of the United States is balanced; to the Committee on Government Operations.

By Mr. GEPHARDT:

H. Res. 185. Resolution designating membership on a standing committee of the House; considered and agreed to.

By Mrs. SCHROEDER (for herself, Mr. HAMILTON, Mr. OBERSTAR, Ms. OAKAR, Mr. LELAND, Mr. FAZIO, Mr. FRANK, Mr. COLEMAN of Texas, Mr. BERMAN, Mr. LEHMAN of Florida, Mr. FAUNTROY, Mr. STOKES, Mr. HEFTTEL of Hawaii, Mr. MATSUI, Mr. BARNES, Mr. SAVAGE, Mr. FROST, Ms. SNOWE, Mr. FASCELL, Mr. RANGEL, Mr. JEFFORDS, Mr. KOLTER, Mr. MITCHELL, and Mrs. MARTIN of Illinois):

H. Res. 187. Resolution to amend and to implement clause 9 of rule XLIII and clause 6(a)(3)(A) of rule XI of the Rules of the House of Representatives, relating to employment practices; jointly, to the Committees on Rules, and House Administration.

By Mr. WATKINS:

H. Res. 188. Resolution commending the Soil Conservation Service; jointly, to the Committees on Agriculture, and Post Office and Civil Service.

By Mr. YOUNG of Florida:

H. Res. 189. Resolution to reaffirm the use of our national motto on coins and currency; to the Committee on Banking, Finance and Urban Affairs.

H. Res. 190. Resolution to reaffirm the use of the phrase, "Under God", in the

Pledge of Allegiance to the Flag of the United States; to the Committee on Post Office and Civil Service.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

150. The SPEAKER presented a memorial of the legislature of the State of Nevada, relative to fees for grazing on Federal land; to the Committee on Interior and Insular Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALLAHAN:

H.R. 2681. A bill for the relief of Michael J. Adams; to the Committee on the Judiciary.

By Mr. FAWELL:

H.R. 2682. A bill for the relief of Jean DeYoung; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of June 4, 1985]

H. Con. Res. 74: Mr. SCHEUER and Mr. BARNARD.

[Submitted June 5, 1985]

H.R. 8: Mr. EDGAR.

H.R. 13: Ms. FIEDLER, Mr. ORTIZ, Mr. PACKARD, and Mr. PASHAYAN.

H.R. 44: Mr. EMERSON and Mr. WAXMAN.

H.R. 281: Mr. WRIGHT and Mr. MORRISON of Connecticut.

H.R. 357: Mr. WAXMAN.

H.R. 695: Mr. PORTER and Mr. DURBIN.

H.R. 796: Mr. WOLPE.

H.R. 797: Mr. HYDE, Mr. DELAY, Mr. BOEHLERT, Mr. OWENS, Mr. BARTLETT, Mr. FEIGHAN, Mr. MILLER of Washington, Mr. SWINDALL, Mr. SEIBERLING, Mr. SMITH of New Jersey, Mr. COLEMAN of Texas, and Mr. DAVIS.

H.R. 888: Mr. EDGAR and Mr. SIKORSKI.

H.R. 1031: Mr. MORRISON of Connecticut.

H.R. 1032: Mr. MORRISON of Connecticut.

H.R. 1205: Mr. LEVINE of California, Mr. NIELSON of Utah, Mr. DIXON, Mr. ROSE, Mr. LELAND, Mr. STOKES, Mr. LOWERY of California, and Mr. SHAW.

H.R. 1268: Mr. KOLBE, Mr. CLINGER, and Mr. DYMALLY.

H.R. 1284: Mr. GUARINI, Mr. FRANK, Mr. STARK, Mrs. SCHROEDER, Mr. KOSTMAYER, Mr. DOWNEY of New York, Mr. HALL of Ohio, Mr. JEFFORDS, Mr. NOWAK, and Mr. LEHMAN of Florida.

H.R. 1302: Mr. YOUNG of Alaska.

H.R. 1479: Mr. SMITH of New Jersey, Mr. MITCHELL, Mr. FAUNTROY, Mr. FISH, Mr. MARTINEZ, Mr. MRAZEK, Ms. KAPTUR, Mr. MURPHY, Mrs. JOHNSON, Mr. STARK, Mr. FAZIO, Mr. KOLTER, Mr. RINALDO, Mr. RANGEL, and Mr. BROWN of California.

H.R. 1615: Mr. BRUCE, Mr. NEAL, Mr. JEFFORDS, and Mr. BARNARD.

H.R. 1629: Mr. THOMAS of Georgia, Mr. HORTON, and Mr. DASCHLE.

H.R. 1660: Mr. HEFTTEL of Hawaii and Mr. KILDEE.

H.R. 1663: Mr. LIVINGSTON.

H.R. 1665: Mr. TOWNS.

H.R. 1776: Mr. RICHARDSON.

H.R. 1802: Mr. SKELTON, Mr. LELAND, Mr. TOWNS, Mr. SABO, Mr. STAGGERS, Mr. RICHARDSON, Mr. BUSTAMANTE, Mrs. BENTLEY, Mr. HUTTO, Mr. BILIRAKIS, Mr. MITCHELL, Mr. MATSUI, Mr. MOLLOHAN, Mr. McGRATH, Ms. KAPTUR, Mr. BARNES, Mr. TORRES, Mr. MARTINEZ, Mr. EVANS of Illinois, Mr. ROE, Mr. FAUNTROY, Mr. FAZIO, Mr. BARNARD, and Mr. BATEMAN.

H.R. 1900: Mr. FISH, Mr. KINDNESS, and Mr. DeWINE.

H.R. 1906: Mr. GREEN, Mr. EVANS of Iowa, Mr. WORTLEY, Mr. BOLAND, Mr. CROCKETT, Mr. GUARINI, Mr. BERMAN, Mr. WIRTH, Mr. CARPER, Mr. CLINGER, Mr. NIELSON of Utah, Mr. LEHMAN of California, Mr. SOLARZ, Ms. SNOWE, Mr. SAXTON, and Mr. SMITH of Florida.

H.R. 1940: Mr. COELHO, Ms. KAPTUR, Mr. WEISS, Mr. BONIOR of Michigan, Mr. DOWNEY of New York, Mr. SMITH of Florida, Mr. CROCKETT, Mr. McCURDY, Mr. EDGAR, and Mr. BENNETT.

H.R. 1967: Mr. FAZIO, Mr. ACKERMAN, Ms. MIKULSKI, Mr. SMITH of Florida, Mr. FORD of Tennessee, Mr. WEAVER, Mr. MATSUI, and Mr. SAXTON.

H.R. 2076: Mr. HEFTTEL of Hawaii, Mr. STRANG, and Mr. RANGEL.

H.R. 2164: Mr. KINDNESS.

H.R. 2232: Mr. STUDDS, Mr. VENTO, Mr. BONIOR of Michigan, Mr. BEVILL, Mr. GRADISON, Mr. GUARINI, Mr. OBERSTAR, Mr. NEAL, Mr. FRANK, Mrs. MARTIN of Illinois, and Mr. CHANDLER.

H.R. 2235: Mr. BERMAN, Mr. CROCKETT, Mr. HAYES, Mr. BATES, and Mrs. BOXER.

H.R. 2255: Mr. JEFFORDS, Mr. STOKES, Mr. REID, Mrs. BOXER, and Mr. MORRISON of Connecticut.

H.R. 2339: Mr. HEFTTEL of Hawaii, Mr. LEVIN of Michigan, and Mr. BOSCO.

H.R. 2353: Mr. DYMALLY.

H.R. 2371: Ms. SNOWE.

H.R. 2383: Mr. WATKINS.

H.R. 2388: Mr. DONNELLY, Mr. OBERSTAR, Ms. KAPTUR, Mr. FAZIO, Mr. MRAZEK, Mr. STOKES, Mr. WOLPE, Mr. VENTO, Mr. YATES, Mr. CROCKETT, Ms. OAKAR, and Mr. SAVAGE.

H.R. 2397: Mr. CLINGER and Mr. CARR.

H.R. 2422: Mr. MOODY, Mr. FUSTER, Mr. EDWARDS of California, Mr. ROSE, Mr. DIXON, Mr. GARCIA, Mr. HALL of Ohio, Mr. BERMAN, Mr. FRANK, Mr. CONYERS, Mr. WEAVER, Ms. MIKULSKI, Mr. DYMALLY, Mr. TOWNS, Mr. DELLUMS, Mr. MITCHELL, Mr. OWENS, Mrs. COLLINS, Mr. GRAY of Illinois, Mr. BARNES, Mr. ATKINS, Mr. NEAL, Mr. HORTON, and Mr. CLINGER.

H.R. 2441: Mr. KOLTER, Mr. SENSENBRENNER, and Mr. BARTON of Texas.

H.R. 2481: Mr. PENNY.

H.R. 2539: Mr. HUTTO, Mr. DAUB, Mr. BUSTAMANTE, Mr. LAGOMARSINO, Mr. BONER of Tennessee, Mr. HEFTTEL of Hawaii, Mr. BOLAND, Mr. OXLEY, Mr. DORNAN of California, Mr. KOLBE, Mr. TOWNS, Mr. REID, Ms. MIKULSKI, Mr. BEDELL, Mr. SMITH of New Jersey, Mr. ARMEY, Mr. VALENTINE, Mr. EMERSON, Mr. McEWEN, Mr. McGRATH, Mr. BEVILL, Mr. SKELTON, Mr. BLILEY, Mr. DARDEN, Mr. SHUMWAY, Mr. SENSENBRENNER, Mr. CONTE, and Mr. WYDEN.

H.R. 2575: Mr. COURTER.

H.R. 2621: Mr. MOAKLEY.

H.J. Res. 79: Mr. TRAXLER, Mr. VALENTINE, Mr. WORTLEY, Mr. YATES, Mr. YOUNG of Alaska, Mr. WYDEN, Mr. SKELTON, Mr. TAUKE, Mr. PERKINS, Mr. RINALDO, Mr. RICHARDSON, Mr. DASCHLE, Mr. DYSON, Mr. FOGLIETTA, Mr. PANETTA, and Mr. MOODY.



H.J. Res. 122: Mr. SMITH of Iowa, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Mr. FISH, Mr. LaFALCE, Mr. KOLTER, Mr. CONTE, Mr. BONER of Tennessee, Mr. BIAGGI, Mr. COUGHLIN, Mrs. HOLT, Mr. MORRISON of Connecticut, Mr. HOYER, Mr. DE LA GARZA, Mr. FROST, Mr. FEIGHAN, Mr. QUILLLEN, Mr. MADIGAN, Mr. ORTIZ, Mr. ADDABBO, Mr. AKAKA, Mr. ANNUNZIO, Mr. BARNES, Mr. BEDELL, Mr. BENNETT, Mrs. BENTLEY, Mr. BERMAN, Mr. BEVILL, Mr. BOLAND, Mrs. BURTON of California, Mrs. BYRON, Mr. CHAPPIE, Mr. CLAY, Mr. COATS, Mrs. COLLINS, Mr. COYNE, Mr. CROCKETT, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DELLUMS, Mr. DeWINE, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. EARLY, Mr. EMERSON, Mr. FAUNTROY, Mr. FAZIO, Mr. FLIPPO, Mr. FLORIO, Mr. FUQUA, Mr. FUSTER, Mr. GARCIA, Mr. GRADISON, Mr. GUARINI, Mr. HAWKINS, Mr. HAYES, Mr. HEFNER, Mr. HORTON, Mr. HUGHES, Mr. JENKINS, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. LAGOMARSINO, Mr. LEWIS of Florida, Mr. LIVINGSTON, Mr. MARTINEZ, Mr. McGRATH, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MURPHY, Mr. NIELSON of Utah, Mr. O'BRIEN, Mr. OWENS, Mr. PERKINS, Mr. REGULA, Mr. REID, Mr. ROE, Mr. ROEMER, Mr. ROGERS, Mr. ROSE, Mr. SABO, Mr. SAVAGE, Mr. SHUMWAY, Mr. SMITH of Florida, Mr. SYNAR, Mr. TAUKE, Mr. TOWNS, Mr. UDALL, Mr. VANDER JAGT, Mr. VENTO, Mr. WAXMAN, Mr. WOLF, Mr. WORTLEY, and Mr. YATES.

H.J. Res. 175: Mr. JEFFORDS, Mr. RALPH M. HALL, Mr. CHANDLER, Mr. BUSTAMANTE, Mr. ROBERT F. SMITH, Mr. HAMMERSCHMIDT, Mr. DAVIS, Mrs. MARTIN of Illinois, Mr. LOTT, and Mr. FRANKLIN.

H.J. Res. 193: Mr. EDWARDS of Oklahoma.

H.J. Res. 213: Mr. OWENS, Mr. BONIOR of Michigan, Mr. LEVIN of Michigan, Mr. CONYERS, Mr. DYMALLY, Mr. LaFALCE, Mr. COOPER, Mr. COLEMAN of Texas, Mr. LELAND, Mr. MRAZEK, Mr. AUCCOIN, Mr. DWYER of New Jersey, Mr. ROE, Mr. DELLUMS, Mr. RANGEL, Mr. CARR, Mr. DURBIN, Mr. ANDERSON, Mr. WEISS, Mr. GUNDERSON, Mr. CLAY, Mr. LOTT, Mr. MURTHA, and Mr. VENTO.

H.J. Res. 221: Mr. VANDER JAGT and Mr. HENRY.

H.J. Res. 228: Mr. ACKERMAN, Mr. SCHUMER, Mr. UDALL, Mr. OBERSTAR, and Mr. PEPPER.

H.J. Res. 243: Mr. BEVILL, Ms. MIKULSKI, Mr. MATSUI, Mr. FROST, Mr. HOLT, Mr. LEVIN of Michigan, and Mr. SHUMWAY.

H.J. Res. 260: Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. RAHALL, Mr. KOSTMAYER, and Mr. RANGEL.

H.J. Res. 267: Mr. MACK, Mr. CAMPBELL, and Mr. DELAY.

H. Con. Res. 26: Mr. KASICH, Mr. HENRY, Mrs. HOLT, and Mr. MRAZEK.

H. Con. Res. 46: Mr. GRAY of Pennsylvania.

H. Con. Res. 69: Mr. LELAND, and Mr. STANGELAND.

H. Con. Res. 81: Mr. PACKARD and Mr. PARRIS.

H. Con. Res. 146: Mr. BERMAN, Mr. CHAPPIE, Mr. SMITH of Florida, Mr. FAWELL, Mr. FEIGHAN, Mr. MORRISON of Washington, Mr. MITCHELL, Mr. SLATTERY, Mr. WEISS, Mr. LEHMAN of Florida, Mr. GEPHARDT, Mr. GLICKMAN, Mr. WEAVER, Mr. GRAY of Illinois, Mr. RICHARDSON, Mr. BRYANT, Mr. LaFALCE, Mr. CLINGER, Ms. MIKULSKI, and Mr. HOYER.

H. Res. 130: Mr. YOUNG of Florida, Mr. SAVAGE, Mr. FORD of Tennessee, Ms. MIKULSKI, Mrs. VUCANOVICH, and Mr. COURTER.

H. Res. 132: Mr. ACKERMAN and Mr. RITTER.

H. Res. 154: Mrs. JOHNSON, Mr. FRENZEL, Mr. SHUMWAY, Mr. RUDD, Mr. DORNAN of California, Mr. ROEMER, Mr. BLILEY, Mr. REGULA, Mr. SKEEN, Mr. CLINGER, Mr. BARTON of Texas, Mr. NIELSON of Utah, Mr. FISH, Mr. SMITH of New Hampshire, Mr. BILIRAKIS, Mr. FEIGHAN, Mr. COBLE, and Mr. ARCHER.

H. Res. 178: Mr. COATS, Mr. LAGOMARSINO, Mr. CONTE, Mrs. JOHNSON, and Mr. BARTON of Texas.

### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of June 4, 1985]

H.J. Res. 192: Mr. BUSTAMANTE.

### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

#### H.R. 1872

By Mr. DELLUMS:

—At the end of title II (RDT&E) add the following new section:

#### SEC. —. STRATEGIC DEFENSE INITIATIVE FUNDING LIMITATIONS.

(a) SDI ACTIVITIES TO BE CONSISTENT WITH 1972 ABM TREATY.—None of the funds appropriated or otherwise made available for research, development, test, and evaluation for fiscal year 1986 shall be available for activities of the Strategic Defense Initiative Organization of the Department of Defense (hereinafter in this section referred to as the "SDIO") for any activity that is not fully consistent with the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems between the Soviet Union and the United States (the "ABM Treaty").

(b) LIMITATION ON DEMONSTRATION PROJECTS.—None of the funds appropriated or otherwise made available for fiscal year 1986 for the SDIO may be used for—

- (1) any technology demonstration project;
- (2) any "major experiment"; or
- (3) any activity that involves engineering development aimed at the construction of experimental hardware for operational testing.

(c) LIMITATION OF FY86 FUNDS FOR THE SDIO.—Of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1986 for research, development, test, and evaluation, not more than \$954,900,000 shall be available for the SDIO. Such funds shall be available only as follows:

- (1) \$348,000,000 for surveillance, acquisition, track, and kill assessment.
- (2) \$249,000,000 for directed energy weapons.
- (3) \$149,900,000 for kinetic energy weapons.
- (4) \$99,000,000 for systems concepts and battle management.
- (5) \$109,000,000 for survivability, lethality, and key support technology.
- (6) \$8,000,000 for SDIO management headquarters.

By Mr. McCURDY:

—Page 23, line 11, strike out "\$13,151,210,000" and insert in lieu thereof "\$13,301,210,000".

Page 26, line 12, strike out "and".

Page 26, line 14, strike out the period and insert in lieu thereof "; and".

Page 27, after line 14, insert the following:

(5) \$774,500,000 is available only for research, development, test, and evaluation carried out with respect to the small mobile intercontinental ballistic missile system.

Page 29, after line 14, insert the following new section:

#### SEC. 207. MAINTENANCE OF PRIORITY FOR SMALL MOBILE INTERCONTINENTAL BALLISTIC MISSILE PROGRAM.

The Secretary of Defense shall continue to carry out the program to develop a small mobile intercontinental ballistic missile, and to provide for the allocation of defense industrial resources for that program, in accordance with the priority for that program (known as "Brick-Bat") in effect on June 1, 1985, under the system provided by existing laws and regulations for determining relative program precedence for assignment of production resources.

By Mr. WEISS:

—Page 6, line 25, strike out "\$4,365,300,000" and insert in lieu thereof "\$3,783,300,000".

Page 13, after line 9, insert the following:

(h) PROHIBITION ON EXPENDITURES FOR THE TRIDENT II MISSILE.—None of the funds appropriated pursuant to the authorizations of appropriations in this section may be obligated or expended for the Trident II missile program.

#### H.R. 2577

By Mr. BOLAND:

(Amendment to the amendment submitted by Mr. MICHEL.)

—Strike out Section 102 and insert in lieu thereof the following:

"Sec. 102. (a) No funds available during any fiscal year to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purposes or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual."

"(b) The prohibition contained in subsection (a) shall continue in effect until the Congress enacts a joint resolution repealing that prohibition."

By Mr. GEPHARDT:

(Amendment to the amendment submitted by Mr. MICHEL of Illinois.)

—In the paragraph under the heading "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE"—

(1) strike out "March 31, 1986" and insert in lieu thereof "September 30, 1986, subject to the requirements of section 105 of this chapter"; and

(2) strike out the second sentence of that paragraph (Beginning with "Notwithstanding" and ending with "second such report.").

In section 105 and section 106—

(1) strike out "Sec. 105" and "Sec. 106" and insert in lieu thereof "Sec. 106" and "Sec. 107", respectively; and

(2) in subsection (a) strike out "enactment of this Act" and insert in lieu thereof "enactment of a joint resolution under section 105 of this chapter".

Add the following new section 105 after section 104:

SEC. 105. (a) In order to provide an opportunity for negotiations through the Contadora process or other diplomatic channels, funds appropriated by the paragraph of this

chapter headed "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" may not be obligated or expended during the 6-month period beginning on the date of enactment of this Act. After that 6-month period, funds appropriated by that paragraph may be obligated or expended for assistance in accordance with that paragraph if after the end of that 6-month period—

(1) the President submits a request to the Congress for authority to provide such assistance, such request to include (A) the President's assurance that he has consulted with the Contradora nations concerning the provision of such assistance, and (B) a description of the response of the Contradora nations to the proposal to provide that assistance; and

(2) the Congress enacts a joint resolution authorizing the use of funds for such assistance.

If the Congress enacts such a joint resolution, one-third of the amount appropriated by that paragraph shall be available for obligation as of the date of enactment of that joint resolution, an additional one-third shall be available for obligation 90 days after such date of enactment, and the remaining one-third shall be available for obligation 180 days after such date of enactment, notwithstanding the Impoundment Control Act of 1974.

(b)(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the obligation and expenditure of funds for assistance for the Nicaraguan democratic resistance in accordance with section 105 of the Supplemental Appropriation Act, 1985."; and

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.".

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect

has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

By Mr. HAMILTON:

—Page 44, after line 23, insert the following:

UNITED STATES POLICY WITH RESPECT TO  
NICARAGUA

SEC. 101. (a) The primary objectives of United States policy in Central America should be—

(1) to preserve the security of the United States;

(2) to achieve peace and reconciliation;

(3) to promote stability and economic development;

(4) to prevent the Soviet Union and its allies from seeking to destabilize the region or to develop or deploy a military capability which threatens the United States;

(5) to promote the observance of human rights and the strengthening of democratic processes; and

(6) to live at peace with Nicaragua so long as Nicaragua lives at peace with its neighbors.

(b) United States strategy for achieving the objectives stated in subsection (a) should include—

(1) an emphasis on seeking a negotiated, regional settlement;

(2) respect for the independence and territorial integrity of all nations;

(3) a clear commitment, through appropriate types and levels of military and economic assistance, to assist the nations of Central America in building and sustaining viable, democratic societies capable of withstanding aggression and subversion and of providing their people with an opportunity for better lives; and

(4) consistent diplomatic support on behalf of the observance of human rights by groups and governments, and support for

free political institutions throughout the region, in recognition of the fact that subversion feeds on repression.

(c) In furtherance of the objectives stated in subsection (a), United States policy with respect to Nicaragua should include the following:

(1) Pursuit of a regional settlement through all diplomatic avenues, including—

(A) placing renewed emphasis on the Contadora process which is addressing the questions of peace and security (including mechanisms for verification and enforcement) and internal reconciliation and political pluralism;

(B) giving priority to obtaining a ceasefire in Nicaragua;

(C) renewing bilateral talks with Nicaragua;

(D) encouraging direct talks among the parties to the conflict in Nicaragua; and

(E) taking any evidence of Nicaraguan violations of the territorial integrity and sovereignty of neighboring states to the forum of the Organization of American States and seeking redress under the Charter of that Organization and the Inter-American Treaty of Reciprocal Assistance, which provide for collective action;

(2) A commitment to preserve the security of the United States by preventing the Soviet Union and its allies from developing or deploying an offensive military capability in Central America that directly threatens the United States, a capability that does not currently exist.

(3) A commitment to protect the security and territorial integrity of any nation of Central America that is invaded by Nicaragua, acting in conformance with the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance.

(4) The provision of incentives to Nicaragua if the Government of Nicaragua agrees to a ceasefire and to negotiate with its opponents, removes foreign military advisers, agrees not to provide material support for insurgencies and agrees to appropriate monitoring procedures under Contadora auspices to verify such agreement, respects human rights and the independence of the media, and makes progress toward national reconciliation and a pluralistic democratic system. Incentives should be structured to enable the United States to respond to positive steps by Nicaragua. These incentives could include—

(A) the suspension of United States military exercises in the region;

(B) the resumption of normal trade, including the resumption of nondiscriminatory trade treatment (MFN status), the restoration of benefits under the Generalized System of Preferences, and the restoration of Nicaragua's sugar quota;

(C) supporting multilateral assistance for Nicaragua and providing technical assistance, help in agriculture and health, and volunteer services; and

(D) the creation of a regional development organization in which Nicaragua could participate.

SEC. 102. (a) No funds available during any fiscal year to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.



(b) The prohibition contained in subsection (a) shall continue in effect until the Congress enacts a joint resolution repealing that prohibition.

Sec. 103. (a)(1) Funds in an amount up to \$14,000,000 may be used by the President during fiscal year 1985 to provide food, medicine, or other humanitarian assistance for Nicaraguan refugees who are outside of Nicaragua, regardless of whether they have been associated with the Nicaraguan opposition forces.

(2) Assistance under this subsection may be provided only through the International Committee of the Red Cross or the United Nations High Commissioner for Refugees, and only upon that organization's determination that such assistance is necessary to meet humanitarian needs of those refugees. The President shall determine whether assistance under this subsection is provided through the International Committee of the Red Cross, the United Nations High Commissioner for Refugees, or both organizations. To the maximum extent feasible, such assistance should be provided to those organizations in kind rather than in cash. Assistance may not be provided under this subsection for the purpose of provisioning combat forces.

(3) Funds used pursuant to this subsection shall be derived from the funds appropriated to carry out chapter 1 of part I (relating to development assistance) or chapter 4 of part II (relating to the economic support fund) of the Foreign Assistance Act of 1961 or section 2(b) (relating to the "Migration and Refugee Assistance" account) or section 2(c) (relating to the Emergency Refugee and Migration Assistance Fund) of the Migration and Refugee Assistance Act of 1962.

(b) Funds available in any fiscal year to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) may be used by the President for payments to the Contadora nations (Mexico, Panama, Colombia, and Venezuela) for expenses arising from implementation of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems.

(c) Assistance under this section may be provided notwithstanding any other provision of law, except that section 531(c) of the Foreign Assistance Act of 1961 (prohibiting the use of funds for military or paramilitary purposes) shall apply to any assistance under subsection (a).

Sec. 103. No less frequently than once every 3 months, the President shall submit to the Congress a written report—

(1) describing any actions by the Sandinista government, and the groups opposing that government by armed force, which have contributed to or hindered efforts to establish a political dialogue in Nicaragua, to find a peaceful solution to the conflict, and to nurture democratic institutions in Nicaragua;

(2) describing the status of the Contadora process and United States efforts to begin the political dialogue in Nicaragua and to find a peaceful solution to the conflict;

(3) containing an accounting of any funds used pursuant to section 102 of this chapter; and

(4) containing such recommendations as the President deems appropriate with respect to future United States policies regarding Nicaragua.

Sec. 104. (a) On or after October 1, 1985, the President may submit to the Congress a

request for authority to take specified actions with respect to Nicaragua. The request must be accompanied by—

(1) the President's assurance that he has consulted with the Contadora nations concerning the proposed actions; and

(2) a description of the response of the Contadora nations to the proposed actions.

(b)(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby authorizes the President, notwithstanding any other provision of law, to take those actions with respect to Nicaragua which are specified in the request submitted to the Congress pursuant to the Supplemental Appropriations Act, 1985.";

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985.";

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on

the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

By Mr. HOWARD:

—Page 101, after line 8 insert the following new title:

#### TITLE IV—WATER RESOURCES

This title may be cited as the "Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985". Any reference in this title to "this Act" shall be deemed to be a reference to this title, any reference to a title (when used with respect to the Water Resources Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1985) shall be deemed to be a reference to a part of this title.

Sec. 2. In order to insure against cost overruns, each estimated cost set forth in this Act for a project shall be the maximum amount authorized for that project, except that such maximum amount shall be automatically increased for—

(1) changes in construction costs (including real property acquisitions, preconstruction studies, planning, engineering, and design) from October 1982 as indicated by engineering and other appropriate cost indexes;

(2) modifications which do not materially alter the scope or functions of the project as authorized; and

(3) additional studies, modifications, and actions (including mitigation and other environmental actions) authorized by this Act or required by changes in Federal law.

Sec. 3. For purposes of this Act, the term "Secretary" means the Secretary of the Army, acting through the Chief of Engineers.

Sec. 4. Sections 201 and 202 and the fourth sentence of section 203 of the Flood Control Act of 1968 shall apply to all projects authorized by this Act.

#### PART I—PORT DEVELOPMENT

Sec. 101. The following projects for ports are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

##### NORFOLK HARBOR AND CHANNELS, VIRGINIA

The project for navigation, Norfolk Harbor and Channels, Virginia: Report of the Chief of Engineers, dated November 20, 1981, at an estimated cost of \$248,700,000 including such modifications as may be recommended by the Secretary in the report or reports transmitted under this paragraph.

The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of each segment of the proposed project will have on fish and wildlife resources and the need for mitigation of any damage to such resources resulting from such construction, operation, and maintenance. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study with respect to the project or separate reports on the results of such study with respect to each segment of the project, along with recommendations for modifications in any such segment which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of such construction, operation, and maintenance on such resources. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any such segment if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

#### MOBILE HARBOR, ALABAMA

The project for navigation, Mobile Harbor, Alabama: Report of the Chief of Engineers, dated November 18, 1981, at an estimated cost of \$386,700,000, including such modifications as may be recommended in a plan transmitted under this paragraph; except that if non-Federal interests construct a bulk material transshipment facility in lower Mobile Bay, the Secretary, upon request of such non-Federal interests, may limit construction of such project from the Gulf of Mexico to such facility and except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. For reasons of environmental quality, not later than one year after the date of enactment of this Act, the Secretary, the United States Fish and Wildlife Service, the Administrator of the Environmental Protection Agency, and appropriate non-Federal interests shall develop, and transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a plan to dispose of dredged material from such project in the Brookley disposal area, referred to in such report of the Chief of Engineers, and a plan to mitigate damages to fish and wildlife from disposal of such material in the Brookley disposal area. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project unless such plans have been approved by resolution adopted by each such committee or unless the non-Federal sponsor of such project transmits, in the one-year period beginning on the date of enactment of this Act, a letter to each such committee indicating that the Secretary, the United States Fish and Wildlife Service, the Administrator of the Environmental Protection Agency, and the non-Federal interests are not able to develop such plans. Notwithstanding any other provision of law, no dredged or fill

material shall be disposed of in the Brookley disposal area, referred to in such report of the Chief of Engineers unless such plans have been approved by resolution adopted by each such committee.

#### MISSISSIPPI RIVER SHIP CHANNEL, GULF TO BATON ROUGE, LOUISIANA

The project for navigation, Mississippi River Ship Channel, Gulf to Baton Rouge, Louisiana: Report of the Chief of Engineers, dated April 9, 1983, at an estimated cost of \$333,400,000. Nothing in this paragraph and such report shall be construed to affect the requirements of Public Law 89-669, as amended.

#### TEXAS CITY CHANNEL, TEXAS

The project for navigation, Texas City Channel, Texas: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of \$117,990,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any portion of the project (other than reaches six, seven, eight, and nine of the Common Entrance Channel) if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

#### NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for deepening of the Ambrose Channel feature of the navigation project, New York Harbor and Adjacent Channels, to a depth of 55 feet and widening such channel to 770 feet, and for deepening of the Anchorage channel feature of such navigation project to a depth of 55 feet and widening such channel to 660 feet, at an estimated cost of \$175,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. Disposal of beach quality sand from construction, operation, and maintenance of such features of such project shall take place at the ocean front on Staten Island, New York, and Sea Bright and Monmouth Beach, New Jersey, at full Federal expense. No disposal of dredged material from construction, operation, and maintenance of such features of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or Little Neck Bay, Queens, New York. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

#### LOS ANGELES AND LONG BEACH HARBORS, SAN PEDRO BAY, CALIFORNIA

The project for deepening of the entry channel to the harbor of Los Angeles, California, to a depth of 65 feet and for deepening of the entry channel to the harbor of Long Beach, California, to a depth of 76 feet, including the creation of 800 acres of

land with the dredged material from the project, as Phase I of the San Pedro Bay development, at an estimated cost of \$230,000,000.

Sec. 102. The following projects for ports are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

#### PORTSMOUTH HARBOR AND PISCATAQUA RIVER, NEW HAMPSHIRE

The project for navigation, Portsmouth Harbor and Piscataqua River, New Hampshire: Report of the Division Engineer, New England Division, dated April 1983, at an estimated cost of \$21,200,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph or with respect to such project under section 103. The Secretary, in consultation with Federal, State, and local agencies, shall study the adequacy of potential disposal sites necessary for construction, operation, and maintenance of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to assure that adequate disposal sites are available for construction, operation, and maintenance of such project. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

#### NEW HAVEN HARBOR, CONNECTICUT

The project for navigation, New Haven Harbor, Connecticut: Report of the Chief of Engineers, dated July 26, 1982, with such modifications as may be recommended by the Secretary in the report submitted under this paragraph, at an estimated cost of \$23,000,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on oyster beds and the production of oysters in New Haven Harbor. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate adverse effects of such construction, operation, and maintenance on such beds and production. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project unless such acquisition



and actual construction have been approved by resolution adopted by each such committee.

#### GOWANUS CREEK CHANNEL, NEW YORK

The project for navigation, Gowanus Creek Channel, New York: Report of the Chief of Engineers, dated September 14, 1982, at an estimated cost of \$2,000,000.

#### KILL VAN KULL, NEW YORK AND NEW JERSEY

The project for navigation, Kill Van Kull and Newark Bay Channels, New York and New Jersey: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of \$182,665,000. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

#### ARTHUR KILL, NEW YORK AND NEW JERSEY

The project for navigation, Arthur Kill, New York and New Jersey: Draft report of the District Engineer for New York, dated May 1983, at an estimated cost of \$55,000,000, including any modifications that may be recommended by the Secretary with respect to that project under section 103 of this Act.

#### NEW YORK HARBOR AND ADJACENT CHANNELS, NEW YORK AND NEW JERSEY

The project for (1) an access channel 45 feet deep below mean low water and generally 450 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel, New York Harbor, westward approximately 12,000 feet along the southern boundary of the Port Jersey peninsula to the head of navigation in Jersey City, New Jersey, at an estimated cost of \$25,000,000; and (2) for a channel 42 feet deep below mean low water and generally 300 feet wide with suitable bends and turning areas to extend from deep water in the Anchorage Channel westward approximately 11,000 feet to the head of navigation in Claremont Terminal Channel, at an estimated cost of \$14,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. No disposal of dredged material from construction, operation, and maintenance of such project shall take place at Bowery Bay, Flushing Bay, Powell's Cove, Little Bay, or Little Neck Bay, Queens, New York. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

#### WILMINGTON HARBOR-NORTHEAST CAPE FEAR RIVER, NORTH CAROLINA

The project for navigation, Wilmington Harbor-Northeast Cape Fear River, North Carolina: Report of the Chief of Engineers, dated September 16, 1980, at an estimated cost of \$8,078,000.

#### CHARLESTON HARBOR, SOUTH CAROLINA

The project for navigation, Charleston Harbor, South Carolina: Report of the

Chief of Engineers, dated August 27, 1981, including construction of a two-mile extension of the harbor navigation channel in the Wando River to the State port authority's Wando River terminal, at an estimated cost of \$79,055,000.

#### SAVANNAH HARBOR, GEORGIA

The project for navigation, Savannah Harbor, Georgia: Report of the Chief of Engineers, dated December 19, 1978, at an estimated cost of \$12,701,000, except that non-Federal interests shall be reimbursed by the Secretary for moving or modifying docks, bulkheads, warehouses, towers, and railroad facilities necessary for project construction, at an estimated cost of \$2,960,000. Such reimbursement at total Federal expense shall be based on the replacement costs, exclusive of betterment, minus the fair market value of the existing structures.

#### MANATEE HARBOR, FLORIDA

The project for navigation, Manatee Harbor, Florida: Report of the Chief of Engineers, dated May 12, 1980, at an estimated cost of \$12,158,500, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project will have on the benthic environment of the area to be dredged. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of such construction, operation, and maintenance on such benthic environment. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on the benthic environment of the dredged area.

#### TAMPA HARBOR, EAST BAY CHANNEL, FLORIDA

The project for navigation, Tampa Harbor, East Bay Channel, Florida: Report of the Chief of Engineers, dated January 25, 1979, at an estimated initial cost of \$2,717,000. The Secretary shall monitor the effects of construction, operation, and maintenance of the project on water quality and the environment.

#### SAN JUAN HARBOR, PUERTO RICO

The project for navigation, San Juan Harbor, Puerto Rico: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of \$72,791,000, including the acquisition of 22 acres of land for mitigation of the loss of algal beds associated with the project, as recommended in the report of the District Engineer, Jacksonville, Florida, entitled "Phase I: General Design Memorandum on San Juan Harbor, Puerto Rico".

#### CROWN BAY CHANNEL—ST. THOMAS HARBOR, VIRGIN ISLANDS

The project for navigation, Crown Bay Channel—St. Thomas Harbor, Virgin Is-

lands: Report of the Chief of Engineers, dated April 9, 1982, at an estimated cost of \$3,499,000. The Secretary shall monitor the turbidity associated with construction, operation, and maintenance of the project and establish a program to maintain, to the extent feasible, such turbidity at a level which will not damage adjacent ecosystems. In selecting a configuration for the disposal area for dredged material from the project, the Secretary shall consider configurations which will minimize, to the extent feasible, the loss of shallow water habitat.

#### GULFPORT HARBOR, MISSISSIPPI

The project for navigation, Gulfport Harbor, Mississippi: Report of the Chief of Engineers, House Document Numbered 96-18, at an estimated cost of \$73,678,000; except that, for reasons of environmental quality, dredged material from such project shall be disposed of in open water in the Gulf of Mexico in accordance with all provisions of Federal law. For the purpose of economic evaluation of this project the benefits from such open water disposal shall be deemed to be at least equal to the costs of such disposal. If the Secretary determines, after competitive bidding and pursuant to the provisions of Public Law 95-269, that transportation and disposal of dredged material cannot be carried out by contract at reasonable prices and in a timely manner, the Secretary is authorized to acquire any dredged material transport equipment necessary for prosecution of the project.

#### CLEVELAND HARBOR, OHIO

The project for harbor modification, Cleveland Harbor, Ohio (deepening and widening the east and west harbor entrances) as described in Stage 2 Report for Reformulation (Phase 1 General Design Memorandum) of the District Engineer for Buffalo, New York, July 1982, at an estimated cost of \$36,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103. The existing dredged material containment site known as site 14 may be used for the containment of excavated material from construction of the project.

#### LORAIN HARBOR, OHIO

The project for navigation, Lorain Harbor, Ohio: Draft report of the District Engineer for Buffalo, New York, dated May 1983, at an estimated cost of \$32,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

#### GRAND HAVEN HARBOR, MICHIGAN

The project for navigation, modifications to Grand Haven Harbor, Michigan: Report of the Chief of Engineers, dated October 9, 1979, at an estimated cost of \$12,879,000.

#### MONROE HARBOR, MICHIGAN

The project for navigation, Monroe Harbor, Michigan: Report of the Chief of Engineers, dated November 25, 1981, at an estimated cost of \$145,280,000, including, for reasons of environmental quality, the formation of a 700 acre marsh in Plum Creek Bay, as described in the report of the District Engineer, Detroit District, dated February 1980, as revised December 15, 1980. The formation of such marsh shall be a Federal responsibility.

#### BRAZOS ISLAND HARBOR, TEXAS—BROWNSVILLE CHANNEL

The project for navigation, Brazos Island Harbor, Texas—Brownsville Channel: Report of the Chief of Engineers, dated December 20, 1979, at an estimated cost of

\$27,075,000. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for additional measures to mitigate losses of estuarine habitat and productivity associated with the project. The Secretary is authorized to undertake any measures which he determines to be necessary and appropriate to mitigate such losses.

#### DULUTH-SUPERIOR, MINNESOTA AND WISCONSIN

The project for navigation, Duluth-Superior, Minnesota and Wisconsin: Report of the Board of Engineers for Rivers and Harbors, dated April 4, 1983, at an estimated cost of \$7,215,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph or with respect to such project under section 103. The Secretary shall study, in consultation with appropriate Federal, State, and local agencies, the need for measures to mitigate losses of fish and wildlife habitat and productivity. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to mitigate such losses. Except for funds appropriated to the Environmental Protection and Mitigation Fund under section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

#### SAN FRANCISCO HARBOR, CALIFORNIA— FISHERMAN'S WHARF AREA

The project for navigation, San Francisco Harbor, California—Fisherman's Wharf Area: Report of the Chief of Engineers, dated February 3, 1978, as amended by the supplemental report of the Chief of Engineers dated June 7, 1979, at an estimated cost of \$14,370,000. Any relocation of historic ships required for construction of the project shall be a Federal responsibility.

#### OAKLAND OUTER HARBOR AND OAKLAND INNER HARBOR, CALIFORNIA

The project for navigation, Oakland Outer Harbor, California: Report of the Chief of Engineers, dated January 7, 1980, at an estimated cost of \$36,040,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study alternative dredged material disposal plans, including but not limited to plans which include marsh formation. The Secretary is authorized to undertake and monitor the effects of such dredged material disposal measures, including but not limited to such measures as will result in fish and wildlife habitat enhancement, as the Secretary determines are necessary and appropriate.

The project for navigation, Oakland Inner Harbor, California, as described in the Report of the District Engineer, San Francisco District, dated April 1984, at an estimated cost of \$28,000,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

#### RICHMOND HARBOR, CALIFORNIA

The project for navigation, Richmond Harbor, California: Report of the Chief of Engineers, dated August 8, 1982, at an estimated cost of \$48,443,000.

#### SACRAMENTO DEEP WATER SHIP CHANNEL, CALIFORNIA

The project for navigation, Sacramento Deep Water Ship Channel, California: Report of the Chief of Engineers, dated November 20, 1981, at an estimated cost of \$77,000,000.

#### HILLO HARBOR, HAWAII

The project for navigation, Hilo Harbor, Hawaii: Report of the Division Engineer, dated February 26, 1982, at an estimated cost of \$4,086,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

#### BLAIR AND SITCUM WATERWAYS, TACOMA HARBOR, WASHINGTON

The project for navigation, Blair and Sitcum Waterways, Tacoma Harbor, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96-26, at an estimated cost of \$31,756,000; except that a permanent bypass road for the Blair Waterway may be constructed in lieu of construction of the East 11th Street bridge replacement recommended in such report if (1) the Secretary determines that construction of the bypass road is economically and environmentally feasible, (2) construction of the bypass road is approved by the Governor of the State of Washington, and (3) the bypass road is approved through adoption of resolutions by both the Tacoma City Council and the Tacoma Port Commission. If the bypass road is constructed in lieu of the bridge replacement project, the Federal share of the cost of construction of the bypass road shall not exceed an amount equal to the amount which would have been the Federal share of the cost of the bridge replacement project if the bridge replacement project had been carried out in accordance with such report.

#### GRAYS HARBOR, WASHINGTON

The project for navigation, Grays Harbor, Washington: Report of the Board of Engineers for Rivers and Harbors, dated January 17, 1983, at an estimated cost of \$86,281,000 including such modifications as may be recommended by the Secretary with respect to such project under section 103.

#### EAST, WEST, AND DUWAMISH WATERWAYS, WASHINGTON

The project for navigation, East, West, and Duwamish Waterways, Navigation Improvement Study, Seattle Harbor, Washington: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of \$48,745,000, including such modifications as may be recommended by the Secretary with respect to such project under section 103.

Sec. 103. (a) In the case of any project authorized by this title for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property

for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by such committees.

(b) If any provision in any report designated by this title recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

Sec. 104. (a)(1) A non-Federal interest may plan and design any navigation project for a port not authorized by Federal law and submit such plan and design to the Secretary for review under paragraph (2).

(2) The Secretary shall review each plan and design submitted under paragraph (1) for the purpose of determining whether or not such plan and design and the process under which such plan and design were developed comply with Federal laws and regulations applicable to the planning and designing by the Secretary of navigation projects for ports. Not later than one hundred and eighty days after receiving any plan and design submitted under paragraph (1), the Secretary shall transmit to the Congress, in writing, the results of such review and any recommendations the Secretary may have concerning the project described in such plan and design.

(3) Subject to appropriation of funds, the Secretary shall reimburse any non-Federal interest for the cost of developing any plan and design submitted under paragraph (1) for any navigation project for a port authorized by any provision of Federal law enacted after the date of such submission; except that in the case of a navigation project for a deep-draft port which is to be constructed by the Secretary, in lieu of such reimbursement, the amount of such cost shall be credited towards the non-Federal share of the cost of construction of such project.

(b)(1) A non-Federal interest may (A) construct, in whole or in part, any navigation project for a port authorized by this title or any other provision of Federal law enacted before, on, or after the date of enactment of this title, and for which appropriations may be made for acquisition of interests in real property and actual construction, and (B) acquire lands for disposal of dredged material, and make relocations of utilities, structures, and other improvements, necessary for such construction, if the Secretary first approves the plans for construction of such project by the non-Federal interest and if the non-Federal interest enters into an agreement to pay the non-Federal share (if any) of the cost of operation and maintenance of such project.

(2) The Secretary shall regularly monitor and audit any project for a port being constructed under this subsection by a non-Federal interest in order to ensure that such construction is in compliance with the plans approved by the Secretary.

(3) Subject to appropriation of funds, the Secretary shall reimburse any non-Federal interest for the Federal share of the cost of any port project carried out substantially in accordance with the plans approved by the Secretary under this section.

(c)(1) The Secretary, on request from an appropriate non-Federal interest in the form of a written notice of intent to construct a navigation project for a port, shall initiate procedures to establish a schedule for consolidating Federal, State, and local agency environmental assessments, project



reviews, and issuance of all permits for the construction of the project, including associated access channels and berthing areas, and onshore improvements, before the initiation of construction.

(2) Within fifteen days of the receipt of notice under paragraph (1) of this subsection, the Secretary shall publish that notice in the Federal Register. The Secretary also shall provide written notification of the receipt of a notice under paragraph (1) of this subsection to all State and local agencies that may be required to issue permits for the construction of the project or related activities. The Secretary shall solicit the cooperation of those agencies and request their entry into a memorandum of agreement described in paragraph (3) of this subsection. Within thirty days after publication of the notice in the Federal Register, State and local agencies that intend to enter into the memorandum of agreement shall notify the Secretary of their intent in writing.

(3) Within ninety days of receipt of notice under paragraph (1) of this subsection, the Secretary of the Interior, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and any State or local agencies that have notified the Secretary under paragraph (2) of this subsection shall enter into an agreement with the Secretary establishing a schedule of decisionmaking for approval of the project and permits associated with it and with related activities. The schedule of compliance may not exceed two and one-half years from the date of the agreement.

(4) The agreement entered into under paragraph (3) of this subsection, to the maximum extent practicable, shall consolidate hearing and comment periods, procedures for data collection and report preparation, and the environmental review and permitting processes associated with the project and related activities. The agreement shall detail, to the extent possible, the non-Federal interest's responsibilities for data development and information that may be necessary to process each permit, including a schedule when the information and data will be provided to the appropriate Federal, State, or local agency.

(5) The agreement shall include a date by which the Secretary, taking into consideration the views of all affected Federal agencies, shall provide to the non-Federal interest in writing a preliminary determination whether the project and Federal permits associated with it are reasonably likely to receive approval. The Secretary may revise the agreement once to extend the schedule to allow the non-Federal interest the minimum amount of additional time necessary to revise its original application to meet the objections of a Federal, State, or local agency which is a party to the agreement.

(6) Six months before the final date of the schedule, the Secretary shall provide to Congress a written progress report for each navigation project for a port subject to this section. The Secretary shall transmit the report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The report shall summarize all work completed under the agreement and shall include a detailed work program that will assure completion of all remaining work under the agreement.

(7) Not later than the final day of the schedule, the Secretary shall notify the non-Federal interest of the final decision on the approval of the project and related permits.

(8) Not later than one year after the date of enactment of this Act, the Secretary shall prepare and transmit to Congress a report estimating the time required for the issuance of all Federal, State, and local permits for the construction of navigation projects for ports and associated activities. The Secretary shall include in that report recommendations for further reducing the amount of time required for the issuance of those permits, including any proposed changes in existing law.

(d) This section does not apply to any port project for that portion of the Saint Lawrence Seaway administered by the Saint Lawrence Seaway Development Corporation.

Sec. 105. (a) The Federal share of the cost of planning, designing, engineering, and surveying which is necessary to carry out a navigation project for a port shall be—

(1) in the case of a general cargo port, 100 per centum;

(2) in the case of a deep-draft port, an amount equal to the sum of (A) an amount equal to 100 per centum of the cost which the Secretary determines would be incurred for planning, designing, engineering, and surveying if such project had a depth of 45 feet, and (B) an amount equal to 50 per centum of the cost of planning, designing, engineering, and surveying for such project over the cost which the Secretary determines would be incurred for planning, designing, engineering, and surveying if such project had a depth of 45 feet.

(b)(1) The Federal share of the cost of construction of general navigation features, including but not limited to navigation channels and turning basins, for a navigation project for a port shall be—

(A) in the case of a general cargo port, 100 per centum; and

(B) in the case of a deep-draft port, 100 per centum of the cost of construction of the portion of the project to a depth of 45 feet and 50 per centum of the cost of construction of the portion of the project which is deeper than 45 feet.

(2) An amount equal to the excess of—

(A) the value and costs of lands, easements, rights-of-way, reasonable mitigation measures, and disposal sites for dredged or fill material, and costs for removal, alteration, and reconstruction of the armor (protective covering) of existing bridge tunnels attendant to dredging a channel deeper than 45 feet, which are provided by non-Federal interests for a navigation project for a deep-draft port, over

(B) the value and costs of lands, easements, rights-of-way, reasonable mitigation measures, and disposal sites for dredged or fill material, and costs for removal, alteration, and reconstruction of the armor (protective covering) of existing bridge tunnels, which the Secretary determines would be required for such project if such project had a depth of 45 feet,

shall be credited toward the non-Federal share of the cost of construction of such project.

(c) The Federal share of the cost of operation and maintenance of each navigation project for a port shall be—

(1) in the case of a general cargo port, 100 per centum; and

(2) in the case of a deep-draft port, an amount equal to the sum of (A) an amount equal to 100 per centum of the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet, and (B) an amount equal to 50 per

centum of the excess of the cost of the operation and maintenance of such project over the cost which the Secretary determines would be incurred for operation and maintenance of such project if such project had a depth of 45 feet.

(d) The Federal share of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line the relocation of which is necessary for construction, operation, and maintenance of each navigation project for a port and which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be—

(1) in the case of a general cargo port, 50 per centum; and

(2) in the case of a deep-draft port, an amount equal to the sum of (A) an amount equal to 50 per centum of the cost the Secretary determines would be incurred for such relocations if such project had a depth of 45 feet, and (B) an amount equal to 25 per centum of the excess of the cost of such relocations over the cost which the Secretary determines would be incurred for such relocations if such project had a depth of 45 feet.

In the case of any relocation to which the Federal share established by this subsection applies, the non-Federal share shall be paid by the owner of the facility being relocated; except that in the case of a deep-draft port, two-thirds of the non-Federal share shall be paid by such owner and one-third of the non-Federal share shall be paid by the non-Federal interest.

(e) The Federal share of any cost of a navigation project for a port, for which cost a Federal share is not provided in subsection (a), (b), (c), or (d) of this section, shall be the share of such cost otherwise provided by law.

(f) This section shall apply to any navigation project for a port authorized by this title (except as provided in subsection (g)) or any other provision of Federal law enacted before, on, or after the date of enactment of this title, except that subsections (a), (b), and (d) shall not apply to any project for which Federal funds have been obligated for actual construction before January 1, 1985.

(g) Subsections (a), (b), (c), and (d) of this section shall not apply to the project for Gowanus Creek Channel, Brooklyn, New York, authorized by section 102 of this title.

Sec. 106. The amount of any non-Federal share of the cost of any navigation project for a port authorized by this title or any other provision of Federal law enacted before, on, or after the date of enactment of this title shall be paid to the Secretary and shall, in the case of the non-Federal share of the cost of construction, be paid on an annual basis during the period of construction, beginning not later than one year after construction is initiated.

Sec. 107. (a) On application by the appropriate non-Federal interest, the Secretary may guarantee, and enter into commitments to guarantee, the payment of the interest on, and the unpaid balance of the principal of, any obligation issued by a non-Federal interest to finance a navigation project authorized for a port by this title or another law of the United States enacted after the date of enactment of this Act, that is subject to a requirement for non-Federal contribution to the cost of project construction, operation, and maintenance under section

105 of this Act and with respect to which the non-Federal interest elects to construct the project with the approval of the Secretary under section 104 of this Act.

(b) The Secretary may guarantee the payment of any obligation in the amount of ninety per centum of the principal of that obligation.

(c) The full faith and credit of the United States Government is pledged to the payment of a guarantee made under this section, including interest as provided for in the guarantee accruing between the date of default on a guaranteed obligation and the payment in full of the amount guaranteed.

(d) The Secretary, to the extent provided for in appropriations laws, may reimburse a non-Federal interest for not to exceed one-half of the interest cost incurred by the non-Federal interest on any obligation which is guaranteed under subsection (a) of this section and the interest on which is subject to Federal income taxes, during the period of project construction and until the level of project-derived revenues equals those amounts necessary to make payments of principal and interest on such obligations for the project.

(e) A guarantee, or commitment to guarantee, made by the Secretary under this section is conclusive evidence of the eligibility of the obligation for that guarantee, and the validity of any guarantee, or commitment to guarantee, so made is incontestable.

(f) The unpaid principal amount of the obligations which are guaranteed, or for which commitments to guarantee have been entered into, under this section and which are outstanding at any time may not exceed \$1,000,000,000.

(g) The Secretary shall assess a guarantee fee of not less than one-quarter of one per centum per annum of the average principal amount of a guaranteed obligation outstanding under this section. All amounts received by the Secretary shall be deposited in the Federal Port Navigation Project Financing Fund established by subsection (h) of this section.

(h) There is established in the Treasury of the United States a fund to be known as the "Federal Port Navigation Project Financing Fund" (hereinafter in this section referred to as the "Fund"), consisting of such amounts as may be deposited in the Fund under subsection (g). Amounts in the Fund shall be available to the Secretary, as provided by appropriation Acts, for making payments under subsection (i) of this section. Amounts in the Fund which are not needed for current withdrawals shall be invested in bonds or other obligations of, or guaranteed as to principal and interest by, the Federal Government.

(i)(1) For a default that has continued for thirty days in a payment by the obligor of principal or interest due under an obligation guaranteed under this title—

(A) the Secretary may assume the obligor's rights and duties under the guarantee or agreement related to the guarantee before a demand is made under clause (B) of this paragraph; or

(B) the obligee or the obligee's agent, not later than the period specified in the guarantee or related agreement (but not later than ninety days from the date of the default), may demand payment by the Secretary of the unpaid principal amount of that obligation and the unpaid interest on the obligation to the date of payment, except when the Secretary—

(i) has assumed the obligor's rights under clause (A) of this paragraph and the Secretary has made the payments in default;

(ii) finds there was not a default by the obligor in the payment of principal or interest; or

(iii) finds that the default has been remedied before the demand.

(2) Any amount required to be paid by the Secretary under this section shall be paid in cash from the Fund established in subsection (h) of this section. If the amounts in the Fund are not sufficient to pay any amount the Secretary is required to pay under this subsection, the Secretary may issue to the Secretary of the Treasury notes or other obligations in any form and denomination, bearing any maturities and subject to any terms and conditions that are prescribed by the Secretary, with the approval of the Secretary of the Treasury. Those notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the Federal Government of comparable maturities during the month preceding the issuance of those notes or other obligations. The Secretary of the Treasury shall purchase any notes and other obligations to be issued under this paragraph. For that purpose the Secretary may use as a public debt transaction the proceeds from any securities issued under chapter 31 of title 31, United States Code. The purposes for which securities may be issued under that chapter include purchase of those notes and obligations. The Secretary of the Treasury may sell the notes or other obligations acquired by the Secretary under this section. All redemptions, purchases, and sales by the Secretary of the Treasury of those notes or other obligations shall be treated as public debt transactions of the Federal Government. Amounts borrowed under this section shall be deposited in the Fund, and redemptions of those notes and obligations shall be made by the Secretary from the Fund.

(3) For a default under a guaranteed obligation or a related agreement, the Secretary shall take any action against the obligor or any other liable parties that the Secretary believes is required to protect the interests of the Federal Government. A suit may be brought in the name of the Federal Government or in the name of the obligee, and the obligee shall make available to the Federal Government all records and evidence necessary to prosecute that suit. The Secretary may accept a conveyance of title to and possession of property from the obligor or other parties liable to the Secretary, and may purchase the property for an amount not to exceed the unpaid principal amount of the obligation and interest thereon. If the Secretary receives, through the sale of property, money in excess of any payment made to an obligee under this section and the expenses of collection of those amounts, the Secretary shall pay that excess to the obligor.

Sec. 108. Any navigation project for a port authorized by this title or any other provision of law enacted before, on, or after the date of enactment of this title may be constructed in usable increments.

Sec. 109. (a) The Congress consents, under clauses 2 and 3 of section 10 of article 1 of the Constitution, to the levy by a non-Federal interest of duties of tonnage on vessels entering a deep-draft port, subject to the following conditions:

(1) Duties of tonnage may only be levied for the following purposes in amounts not to exceed those necessary to—

(A) reimburse the United States Government for the non-Federal share of construc-

tion and operations and maintenance costs of a deep-draft port navigation project under the requirements of section 105 of this Act; or

(B) finance the cost of construction and operations and maintenance of a deep-draft port navigation project under subsection (b)(1) of section 104 of this Act, less any reimbursement by the Secretary from the Port Infrastructure Development and Improvement Trust Fund under section 111 of this Act; and

(C) provide emergency response services in the port, including the provision of necessary personnel training and the procurement of equipment and facilities, less any reimbursement by the Secretary from the Port Infrastructure Development and Improvement Trust Fund under section 113 of this Act.

(2) Duties of tonnage may not be levied for the purpose described in paragraph (1)(C) of this subsection after the duties cease to be levied for the purposes described in paragraphs (1)(A) or (1)(B) of this subsection.

(3) Duties of tonnage may only be levied on vessels entering the port and their cargo, subject to the following limitations—

(A) duties of tonnage may only be levied and collected on vessels which require a channel with a depth of more than 45 feet;

(B) any vessel engaged in intraport movement shall be exempted from the levy of those duties; and

(C) any vessel not engaged in commercial service which is owned and operated by the United States, or any other nation or political subdivision thereof, or by a State or political subdivision thereof shall be exempted from the levy of those duties.

(4) The non-Federal interest shall provide to the Comptroller General of the United States, upon his request, such books, documents, papers, or other information as the Comptroller General considers to be necessary and appropriate to enable him to carry out the audit required under subsection (b) of this section.

(5) The non-Federal interest shall designate an officer or authorized representative, including the Secretary of the Treasury acting by contract through the appropriate customs officer, to receive tonnage certificates and cargo manifests from vessels which may be subject to the levy of duties of tonnage, export declarations from shippers, consignors, and terminal operators, and such other documents as may be necessary for the imposition, computation, and collection of duties of tonnage.

(b) The Comptroller General of the United States shall carry out periodic audits of the operations of non-Federal interests that elect to levy duties of tonnage under this section in order to ascertain if the conditions of subsection (a) of this section are being complied with. The Comptroller General shall submit to each House of the Congress a written report containing the findings resulting from each audit and shall make such recommendations as he deems appropriate regarding the compliance of those non-Federal interests with the requirements of this section.

(c) The United States District Court for the district in which is located a non-Federal interest that levies duties of tonnage under this section shall have original and exclusive jurisdiction over any matter arising out of, or concerning, the imposition, computation, or collection of duties of tonnage by a non-Federal interest under this section and, upon petition of the Attorney



General or any other party, may grant appropriate injunctive relief to restrain any act by that non-Federal interest that violates the conditions of consent in subsection (a) of this section, or grant other relief or remedy as appropriate.

(d)(1)(A) Upon the arrival of a vessel in a deep-draft port in which the vessel may be subject to the levy of duties of tonnage under this section, the master of that vessel shall, within forty-eight hours after arrival and before any cargo is unloaded from that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(5) of this section a tonnage certificate for the vessel and a manifest of the cargo aboard that vessel or, if the vessel is in ballast, a declaration to that effect.

(B) The shipper, consignor, or terminal operator having custody of any cargo to be loaded on board a vessel while the vessel is in a deep-draft port in which the vessel may be subject to the levy of duties of tonnage under this section shall, within forty-eight hours before departure of that vessel, deliver to the appropriate authorized representative appointed under subsection (a)(5) of this section an export declaration specifying the cargo to be loaded on board that vessel.

(2) The Secretary of the Treasury, acting through the appropriate customs officer, shall withhold, at the request of an appropriate authorized representative referred to in subsection (a)(5) of this section or acting in his own capacity as agent of the non-Federal interest under contract, the clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91) for any vessel—

(A) if the master of that vessel is subject to paragraph (1)(A) of this subsection and fails to comply with that subparagraph; or

(B) if the shipper, consignor, or terminal operator having custody of any cargo to be loaded on board that vessel is subject to paragraph (1)(B) of this subsection and fails to comply with that subparagraph.

(3) In lieu of the procedures specified in paragraph (1) of this subsection, clearance may be granted upon the filing of a bond or other security satisfactory to the Secretary of the Treasury.

(4) Duties of tonnage levied under this section against a vessel constitute a maritime lien against that vessel that may be recovered in an action in rem in the United States District Court for the district within which the vessel may be found.

Sec. 110. Any non-Federal interest shall provide the United States the information necessary for military readiness planning and port and national security, including information necessary to obtain national security clearances for individuals employed in critical port positions.

Sec. 111. There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1983, such sums as may be necessary to make reimbursements under section 104 and to pay the Federal share of the cost of projects authorized by sections 101 and 102 and of navigation projects for ports authorized by any other provision of Federal law enacted before the date of enactment of this title.

Sec. 112. (a) Not later than four years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall designate one or more sites in accordance with the Marine Protection, Research, and Sanctuaries Act of 1972 for the disposal of dredged material which,

without such designation, would be disposed of at the Mud Dump (as defined in subsection (g)). The designated site or sites shall be located not less than 20 miles nor more than 40 miles from the shoreline. The Administrator, in determining sites for possible designation under this subsection, shall consult with the Secretary and appropriate Federal, State, interstate, and local agencies.

(b) Beginning on the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), any ocean disposal of dredged material (other than acceptable dredged material) by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation shall take place at the newly designated ocean disposal site or sites under subsection (a) in lieu of the Mud Dump.

(c) Until the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), there shall be available a lawful site for the ocean disposal of dredged material by any person or governmental entity authorized pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972 to dispose of dredged material at the Mud Dump on or before the date of such designation.

(d) Not later than one year after the date of enactment of this Act and annually thereafter until the designation of one or more sites under subsection (a), the Administrator of the Environmental Protection Agency shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate describing the status of such designation.

(e) Notwithstanding any other provision of law, including any regulation, the Secretary shall ensure that, not later than the 30th day following the date on which the Administrator of the Environmental Protection Agency makes the designation required by subsection (a), all existing and future Department of the Army permits and authorizations for disposal of dredged material at the Mud Dump shall be modified, revoked, and issued (as appropriate) to ensure that only acceptable dredged material will be disposed of at such site and that all other dredged material determined to be suitable for ocean disposal will be disposed of at the site or sites designated pursuant to subsection (a) of this section.

(f) For purposes of this section, the term "acceptable dredged material" means rock, beach quality sand, material excluded from testing under the ocean dumping regulations promulgated by the Administrator of the Environmental Protection Agency pursuant to the Marine Protection, Research, and Sanctuaries Act of 1972, and any other dredged material (including that from new work) determined by the Secretary, in consultation with the Administrator, to be substantially free of pollutants.

(g) For purposes of this section, the term "Mud Dump" means the area located approximately 5½ miles east of Sandy Hook, New Jersey, with boundary coordinates of 40 degrees 23 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W; 40 degrees 21 minutes 48 seconds N, 73 degrees 51 minutes 28 seconds

W; and 40 degrees 23 minutes 48 seconds N, 73 degrees 50 minutes 00 seconds W.

Sec. 113. (a) The Secretary is authorized to make grants to any non-Federal interest operating a project for a port for provision of emergency response services in such port (including the provision of necessary personnel training and the procurement of equipment and facilities either by the non-Federal interest, by a local agency or municipality, or by a combination of local agencies or municipalities on a cost-reimbursable basis, either by a cooperative agreement, mutual aid plan, or mutual assistance plan entered into between one or more non-Federal interests, public agencies, or local municipalities).

(b) There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1984, such sums as may be necessary to carry out subsection (a) of this section.

Sec. 114. (a) For reasons of navigation safety, the Secretary is authorized to make a grant to the non-Federal interest operating Morro Bay Harbor, California, for construction of a new port office at such harbor.

(b) There is authorized to be appropriated from the Port Infrastructure Development and Improvement Trust Fund for fiscal years beginning after September 30, 1984, such sums as may be necessary to carry out subsection (a) of this section.

Sec. 115. For purposes of this title—

(1) the term "deep-draft port" means a port which is authorized to be constructed to a depth of more than 45 feet (other than a port for which a project is authorized by section 102 of this title);

(2) the term "general cargo port" means a port for which a project is authorized by section 102 of this title and any other port which is authorized to be constructed to a depth of 45 feet or less;

(3) the term "non-Federal interest" has the meaning such term has under section 221 of the Flood Control Act of 1970;

(4) the term "port" means (A) any port or channel in the United States with a depth authorized by law of more than fourteen feet, including any channel administered by the Saint Lawrence Seaway Development Corporation and any channel connecting the Great Lakes, and (B) any lock or other improvement on any such channel; except that such term does not include an entrance channel providing access solely to a harbor with an authorized depth of fourteen feet or less and does not include the Bonneville Lock and Dam project on the Columbia River; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

Sec. 116. This title may be cited as the "Port Development and Navigation Improvement Act of 1984".

## PART II—INLAND WATERWAY TRANSPORTATION SYSTEM

Sec. 201. (a) The following works of improvement for the benefit of navigation are hereby authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports herein-after designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are

advisable in any case in which there is no report designated. The Secretary shall complete each such work of improvement not later than seven years after the date on which funds are first appropriated for such project.

**OLIVER LOCK AND DAM, BLACK WARRIOR-TOMBIGBEE RIVER, ALABAMA**

Construction of a lock and dam to replace the William Bacon Oliver Lock and Dam, Black Warrior-Tombigbee River, Alabama, including facilities for generating hydroelectric power, at an estimated cost of \$120,000,000. The Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

**GALLIPOLIS LOCKS AND DAM REPLACEMENT, OHIO RIVER, OHIO AND WEST VIRGINIA**

The project for navigation, Gallipolis Locks and Dam Replacement, Ohio River, Ohio and West Virginia: Report of the Chief of Engineers, dated April 8, 1982, at an estimated cost of \$260,000,000.

**WINFIELD LOCKS AND DAM, KANAWHA RIVER, WEST VIRGINIA**

Construction of improvements to, and an additional lock in the vicinity of, the Winfield Locks and Dam, Kanawha River, West Virginia, and acquisition of lands for fish and wildlife mitigation in such vicinity, at an estimated cost of \$134,000,000. The Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

**LOCK AND DAM 7 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA**

The project for navigation, Lock and Dam 7 Replacement, Monongahela River, Pennsylvania: Report of the Chief of Engineers, dated May 5, 1972, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at an estimated cost of \$95,000,000.

**LOCK AND DAM 8 REPLACEMENT, MONONGAHELA RIVER, PENNSYLVANIA**

The project for navigation, Lock and Dam 8 Replacement, Monongahela River, Penn-

sylvania: Report of the Chief of Engineers, dated May 5, 1972, with such modifications (including acquisition of lands for fish and wildlife mitigation) as the Secretary determines are advisable, at an estimated cost of \$63,300,000.

**LOCK AND DAM 26, MISSISSIPPI RIVER, ALTON, ILLINOIS AND MISSOURI**

Construction of a second lock having a length of 600 feet at lock and dam 26, Mississippi River, Alton, Illinois, and Missouri at an estimated cost of \$245,000,000.

**BONNEVILLE LOCK AND DAM, OREGON AND WASHINGTON—COLUMBIA RIVER AND TRIBUTARIES, WASHINGTON**

The project for navigation, Bonneville Lock and Dam, Oregon and Washington—Columbia River and Tributaries, Interim Report: Report of the Chief of Engineers, dated March 14, 1980, at an estimated cost of \$177,000,000. Dredged material from the project shall be disposed of at such sites considered by the Secretary to be appropriate to the extent necessary to prevent damage to the Blue Heron rookery on Pierce and Ives Islands. No construction shall take place on Pierce and Ives Islands during the heron nesting period. The Secretary shall establish a bioengineering committee to review plans for the project, recommend measures to minimize adverse affects of the project, and develop a mitigation plan for the project. Such committee shall include representatives of the Corps of Engineers, the contractor for construction of the project, and appropriate State and Federal agencies.

(b) If any provision in any report designated by subsection (a) recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 202. (a) Two-thirds of the cost of construction of the general navigation features, including but not limited to, channels, locks, dams, and turning basins, of each project authorized by this title shall be paid only from amounts appropriated from the general fund of the Treasury. One-third of such cost shall be paid only from amounts appropriated from the Inland Waterways Trust Fund. For purposes of this subsection, the term "construction" shall include planning, designing, engineering, and surveying, the acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, and relocations (other than relocations described in subsection (b)) necessary for the project.

(b) One-third of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line (1) the relocation of which is necessary for construction, operation, and maintenance of a project authorized by this title, and (2) which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be paid only from amounts appropriated from the general fund of the Treasury. One-sixth of such cost shall be paid only from the Inland Waterways Trust Fund. The remainder of such cost shall be paid by the owner of the facility being relocated.

(c) Any Federal responsibility with respect to a project authorized by this title which

responsibility is not provided for in subsection (a) or (b) of this section shall be paid only from amounts appropriated from the general fund of the Treasury.

SEC. 203. There is authorized to be appropriated for fiscal years beginning after September 30, 1983, such sums as may be necessary from the general fund of the Treasury and from the Inland Waterways Trust Fund to pay the costs specified in section 202.

**PART III—FLOOD CONTROL**

SEC. 301. (a) The following works of improvement for the control of destructive floodwaters are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated.

**QUINCY COASTAL STREAMS, MASSACHUSETTS**

The project for flood control, Quincy Coastal Streams, Massachusetts (Town Brook Interim): Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of \$25,100,000.

**ROUGHANS POINT, MASSACHUSETTS**

The project for flood control, Roughans Point, Revere, Massachusetts: Report of the Division Engineer, dated January 3, 1983, at an estimated cost of \$10,040,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

**CAZENOVIA CREEK, NEW YORK**

The project for flood control, Cazenovia Creek Watershed, New York: Report of the Chief of Engineers, dated September 8, 1977, House Document Numbered 96-126, at an estimated cost of \$1,800,000. Such project shall include features necessary to enable the project to serve as a part of a streamside trail system if the Secretary determines such features are compatible with the project purposes.

**MAMARONECK, SHELDRAKE, AND BYRAM RIVERS, NEW YORK AND CONNECTICUT**

The project for flood control, Mamaroneck and Sheldrake River Basins, New York and Connecticut, and Byram River Basin, New York and Connecticut: Report of the Chief of Engineers dated April 4, 1979, at an estimated cost of \$45,600,000. Such project shall include flood protection for the town of Mamaroneck as recommended in the report of the Division Engineer, North Atlantic Division, dated March 28, 1978.

**RAHWAY RIVER AND VAN WINKLES BROOK, NEW JERSEY**

The project for flood control, Rahway River and Van Winkles Brook at Springfield, New Jersey: Report of the Chief of Engineers, dated October 24, 1975, House Document Numbered 96-20, at an estimated cost of \$12,300,000.

**ROBINSON'S BRANCH—RAHWAY RIVER, NEW JERSEY**

The project for flood control, Robinson's Branch of the Rahway River at Clark, Scotch Plains, and Rahway, New Jersey: Report of the Chief of Engineers, dated October 10, 1975, House Document Numbered 96-21, at an estimated cost of \$13,500,000.

**GREEN BROOK SUB-BASIN, RARITAN RIVER BASIN, NEW JERSEY**

The project for flood control, Green Brook Sub-basin, Raritan River Basin, New



Jersey: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of \$155,900,000. Such project shall include flood protection for the upper Green Brook Sub-basin and the Stony Brook tributary, as described in plan A in the report of the District Engineer, New York District, dated August 1980.

#### JAMES RIVER BASIN, VIRGINIA

The project for flood control, James River Basin, Richmond, Virginia: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of \$92,960,000. Such project shall include flood protection for the Richmond municipal wastewater treatment facility, as recommended in the report of the District Engineer, Norfolk District, dated September 1980.

#### OATES CREEK, GEORGIA

The project for flood control, Oates Creek, Georgia: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of \$8,800,000. Such project shall include (1) measures determined by the Secretary to be necessary and appropriate to minimize pollution of shallow ground and surface waters which may result from construction of the project, and (2) planting of vegetation along the channel for purposes of enhancing wildlife habitat.

#### VILLAGE CREEK, ALABAMA

The project for flood control, Village Creek, Jefferson County, Alabama: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of \$20,700,000.

#### THREEMILE CREEK, ALABAMA

The project for flood control, Threemile Creek, Mobile, Alabama: Report of the Division Engineer, dated February 7, 1983, at an estimated cost of \$12,100,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1982, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

#### BUSHLEY BAYOU, LOUISIANA

The project for flood control, Bushley Bayou, Louisiana: Report of the Chief of Engineers, dated April 30, 1980, at an estimated cost of \$42,800,000.

#### LOUISIANA STATE PENITENTIARY LEVEE

The project for flood control, Louisiana State Penitentiary Levee, Mississippi River, Louisiana: Report of the Chief of Engineers, dated December 10, 1982, at an estimated cost of \$20,512,000. No acquisition of land for or actual construction of the project may be commenced until appropriate non-Federal interests shall agree to undertake measures to minimize the loss of fish and wildlife habitat lands in the project area.

#### SOWASHEE CREEK, MERIDIAN, MISSISSIPPI

The project for flood control, Sowashee Creek, Meridian, Mississippi: Report of the District Engineer for Mobile, Alabama, dated July 1983, at an estimated cost of \$10,100,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

#### NONCONNAH CREEK AND ST. JOHNS CREEK, TENNESSEE AND MISSISSIPPI

The project for flood control, Nonconna Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated December 23, 1982, at an estimated cost of \$19,200,000. The improvements for St. Johns Creek and tributaries shall be included as a separate part of the project and shall be constructed by the United States Department of Agriculture Soil Conservation Service, at an estimated cost of \$19,500,000, in accordance with the recommendations of the State Conservationist as contained in the report, Nonconna Creek and Tributaries, Tennessee and Mississippi, dated September 1981. Subsection (f) of this section shall not apply to such improvements. The project shall include an evaluation of fish and wildlife losses which may result from construction of the project and such additional measures as the Secretary deems necessary and appropriate to mitigate such losses. The Secretary shall adopt and implement guidelines in connection with clearing and snagging as the Secretary determines necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

#### HORN LAKE CREEK AND TRIBUTARIES, TENNESSEE AND MISSISSIPPI

The project for flood control, Horn Lake Creek and Tributaries, including Cow Pen Creek, Tennessee and Mississippi: Report of the Chief of Engineers, dated January 4, 1983, at an estimated cost of \$2,500,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall (1) reexamine the adequacy and feasibility of the recommended measures for fish and wildlife habitat, and (2) reexamine upland dredged disposal alternatives. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. The Secretary shall also adopt and implement such guidelines in connection with channel clearing and drift removal for the project as the Secretary, in consultation with the Fish and Wildlife Service, determines are necessary and appropriate to minimize adverse effects on fish and wildlife habitat.

#### MUSKINGUM RIVER, KILLBUCK, OHIO

The project for flood control, Muskingum River, Killbuck, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House Document Numbered 96-117, at an estimated cost of \$6,420,000.

#### MUSKINGUM RIVER, MANSFIELD, OHIO

The project for flood control, Muskingum River, Mansfield, Ohio: Report of the Chief of Engineers, dated February 3, 1978, House

Document Numbered 96-117, at an estimated cost of \$3,500,000.

#### HOCKING RIVER, LOGAN, OHIO

The project for flood control, Hocking River at Logan, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at an estimated cost of \$6,244,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

#### HOCKING RIVER, NELSONVILLE, OHIO

The project for flood control, Hocking River at Nelsonville, Ohio: Report of the Chief of Engineers, dated June 23, 1978, at an estimated cost of \$6,760,000. The Secretary shall review potential sites for disposal of dredged material from the project and shall select such sites as he determines necessary and appropriate with a view toward minimizing adverse effects on fish and wildlife habitat areas.

#### SCIOTO RIVER, OHIO

The project for flood control, Scioto River at North Chillicothe, Ohio: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of \$9,100,000.

#### LITTLE MIAMI RIVER, OHIO

The project for flood control, Miami River, Little Miami River, Interim Report Number 2, West Carrollton-Holes Creek, Ohio: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of \$6,000,000.

#### MIAMI RIVER, FAIRFIELD, OHIO

The project for flood control, Miami River, Fairfield, Ohio: Report of the Chief of Engineers, dated June 22, 1983, at an estimated cost of \$9,200,000. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include additional measures for mitigation of losses of fish and wildlife habitat, including seeding and planting in disturbed areas, limiting removal of riparian vegetation to the minimum amount necessary for project objectives, performing work along the north streambank where construction is planned on only one side of the channel, limiting construction activities to the right streambank in the reach of Pleasant Run extending from mile 2.75 to mile 3.10, the use of gabions and riprap for bank protection in lieu of concrete, and the inclusion of pool-riffle complexes at bridges.

#### HARRISBURG, PENNSYLVANIA

The project for flood control, Harrisburg, Pennsylvania: Report of the Chief of Engineers, dated May 16, 1979, at an estimated cost of \$101,900,000, including such modifications and additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. To the extent the Secretary, in consultation with appropriate Federal, State, and local agencies, determines necessary and appropriate, the project shall include (1) a low-flow channel or fishway in both the improved earth channel and the concrete channel portion of the project, (2) utilization of sloping side sections in the concrete channel, and (3) modifications to bridges crossing Paxton Creek to prevent damming of the creek. The project shall include the cost of any relocation required for geodetic control survey monuments. The Secretary shall study the feasibility of providing a floodway along Paxton Creek between Wild-

wood Lake and Maclay Street as an alternative to the recommended plan and shall re-examine fish and wildlife habitat mitigation measures recommended in the report of the Chief of Engineers. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study and re-examination, along with recommendations for any modifications in the project which the Secretary determines to be feasible and appropriate to construct such floodway and for any additional measures which the Secretary determines to be necessary and appropriate to reduce fish and wildlife habitat losses in the project area. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

#### LOCK HAVEN, PENNSYLVANIA

The project for flood control, Lock Haven, Pennsylvania: Report of the Chief of Engineers, dated December 14, 1981, at an estimated cost of \$65,500,000. The project shall be constructed to provide protection against the standard project flood as recommended by the District Engineer, Baltimore District, in his report dated July 1980, in order to prevent potential catastrophic losses in human life and property.

#### SCHUYLKILL RIVER BASIN, POTTSTOWN, PENNSYLVANIA

The project for flood control and other purposes for Pottstown and vicinity, Schuylkill River Basin, Pennsylvania: Report of the Chief of Engineers, House Document Numbered 93-321, at an estimated cost of \$5,138,000. The Congress hereby finds that the application of the provisions of section 209 of the Flood Control Act of 1970 result in the benefits from flood control measures authorized by this paragraph exceeding their economic costs.

#### SAW MILL RUN, PENNSYLVANIA

The project for flood control, Saw Mill Run, Pittsburgh, Pennsylvania: Report of the Chief of Engineers, dated January 30, 1978, House Document Numbered 96-25, at an estimated cost of \$32,020,000, including construction of the portion of the Saw Mill Run relief sewer in the city of Pittsburgh, Pennsylvania, beginning at the northern boundary of Woodruff Street and ending at the point where Saw Mill Run Creek crosses the southern boundary of such city.

#### WYOMING VALLEY, PENNSYLVANIA

The project for flood control, Wyoming Valley, Pennsylvania: Report of the Board of Engineers for Rivers and Harbors, dated November 1, 1982, at an estimated cost of \$212,900,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

#### EIGHT MILE CREEK, PARAGOULD, ARKANSAS

The project for flood control, Eight Mile Creek, Paragould, Arkansas: Report of the Chief of Engineers, dated August 10, 1979, including improvement of Fifteen Mile Bayou and tributaries as recommended by the District Engineer and the Mississippi

River Commission in reports dated February 1978 and May 24, 1977, respectively, at an estimated cost of \$21,600,000.

#### FOURCHE BAYOU BASIN, ARKANSAS

The project for flood control, Fourche Bayou Basin, Little Rock, Arkansas: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of \$20,200,000.

#### HELENA AND VICINITY, ARKANSAS

The project for flood control, Helena and Vicinity, Arkansas: Report of the Chief of Engineers, dated June 22, 1983, at an estimated cost of \$11,600,000.

#### WEST MEMPHIS AND VICINITY, ARKANSAS

The project for flood control, West Memphis and Vicinity, Arkansas: Report of the Mississippi River Commission, dated April 25, 1983, at an estimated cost of \$19,881,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

#### MINGO CREEK, OKLAHOMA

The project for flood control, Mingo Creek, Tulsa, Oklahoma: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of \$82,100,000. The project shall include measures determined appropriate by the Secretary, after consultation with the city of Tulsa, to minimize adverse effects associated with the use of flood water detention sites for the project.

#### FRY CREEKS, OKLAHOMA

The project for flood control, Fry Creeks, Oklahoma: Report of the Board of Engineers for Rivers and Harbors, dated January 18, 1983, at an estimated cost of \$8,500,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section, except that the Secretary shall acquire a total of 20 acres of land for mitigation of fish and wildlife losses and such lands, to the extent feasible, shall be contiguous and shall be in a corridor not less than 50 feet wide.

#### MALINE CREEK, MISSOURI

The project for flood control, Maline Creek, Missouri: Report of the Chief of Engineers, dated November 2, 1982, at an estimated cost of \$39,330,000.

#### ST. JOHN'S BAYOU AND NEW MADRID FLOODWAY, MISSOURI

The project for flood control, St. Johns Bayou and New Madrid Floodway, Missouri: Report of the Chief of Engineers, dated January 4, 1983, at an estimated cost of \$75,600,000, except that the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 1104 of this Act and except that lands acquired by the State of Missouri after January 1, 1982, for mitigation of damage to fish and wildlife within the Ten Mile Pond mitigation area shall be counted as part of the total quantity of mitigation lands required for the project and shall be maintained by such State for such purpose.

#### STE. GENEVIEVE, MISSOURI

The project for flood control, Ste. Genevieve, Missouri, as described in the feasibility report of the District Engineer, St. Louis district, dated March 1984, at an estimated cost of \$31,350,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

#### BRUSH CREEK AND TRIBUTARIES, MISSOURI AND KANSAS

The project for flood control, Brush Creek and Tributaries, Missouri and Kansas: Report of the Chief of Engineers, dated January 3, 1983, at an estimated cost of \$12,100,000. The project shall include, at an estimated additional cost of \$700,000, replacement of the Kansas City Public Service Railway Bridge recommended for removal as part of the project if the Secretary determines, before the acquisition of any land for or the actual construction of the project, that appropriate non-Federal interests will use the bridge as part of a regional public transportation system in the ten-year period following initiation of the project.

#### CAPE GIRARDEAU, MISSOURI

The project for flood control, Cape Girardeau, Jackson Metropolitan Area, Missouri: Report of the Division Engineer, dated January 3, 1983, at an estimated cost of \$24,700,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

#### HALSTEAD, KANSAS

The project for flood control, Halstead, Kansas: Report of the Chief of Engineers, dated May 8, 1979, at an estimated cost of \$6,130,000, including the acquisition of such additional lands and access points as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the need for additional lands for mitigation of fish and wildlife losses caused by the project and the need for additional access points to the Little Arkansas River. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such study, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

#### UPPER LITTLE ARKANSAS RIVER, KANSAS

The project for flood control, Upper Little Arkansas River Watershed, Kansas: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of \$8,190,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

#### ROCK RIVER, ILLINOIS

The project for flood control, Rock River, Rockford and Vicinity, Illinois (Loves Park Interim): Report of the Chief of Engineers, dated September 15, 1980, at an estimated cost of \$25,000,000. The project shall include flood protection measures along Small Unnamed Creek, as described in the Interim Report of the District Engineer, Rock



Island, dated February 1979. Before the acquisition of land for or the actual construction of the project the Secretary shall study the probable effects of the project on existing recreational resources in the project area and, as part of the project, shall undertake such measures as he determines necessary and appropriate to mitigate any adverse effects on such recreation resources.

**GREEN BAY LEVEE AND DRAINAGE DISTRICT  
NUMBER 2, IOWA**

The project for flood control, Mississippi River, Coon Rapids Dam to Ohio River, Green Bay Levee and Drainage District Number 2, Iowa: Report of the Chief of Engineers, dated October 21, 1981, except that borrow material for the project shall be obtained from the island source as recommended by the District Engineer, Rock Island District, in his report dated November 1978, and revised November 1979, at an estimated cost of \$5,500,000.

**SOUTH QUINCY DRAINAGE AND LEVEE DISTRICT,  
ILLINOIS**

The project for flood control, South Quincy Drainage and Levee District, Illinois: Report of the Board of Engineers for Rivers and Harbors, dated March 25, 1983, at an estimated cost of \$10,100,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary shall, to the extent feasible, obtain borrow material from sites in the main channel of the Mississippi River and place fill material on the landward side of the existing levee in order to protect wildlife habitat.

**NORTH BRANCH OF CHICAGO RIVER, ILLINOIS**

The project for flood protection for the North Branch of the Chicago River, Illinois: Draft Report of the District Engineer, Chicago District (Phase I General Design Memorandum), dated June 1983, at an estimated cost of \$11,209,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. In recognition of the flood damage prevention benefits provided in the North Branch of the Chicago River, Illinois Basin, by the Techny Reservoirs constructed by non-Federal interests on the West Fork of the North Branch of the Chicago River and by the Mid Fork Reservoir and the Mid Fork Pumping Station constructed by non-Federal interests on the Middle Fork of the North Branch of the Chicago River, the Secretary shall, subject to such amounts as are provided in appropriation Acts, reimburse non-Federal interests for an amount equal to 75 per centum of the costs of planning and construction of such reservoirs and pumping station.

**LITTLE CALUMET RIVER, INDIANA**

The project for flood control, Little Calumet River, Indiana (designated as Plan 3A): Report of the Division Engineer, dated October 12, 1982, at an estimated cost of \$56,800,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

**PERRY CREEK, IOWA**

The project for flood control, Perry Creek, Iowa: Report of the Chief of Engineers, dated February 4, 1982, at an estimated cost of \$28,630,000.

**MUSCATINE ISLAND, IOWA**

The project for flood control, Muscatine Island Levee District and Muscatine-Louisa

County Drainage District No. 13, Iowa: Report of the Chief of Engineers, dated July 22, 1977, at an estimated cost of \$12,500,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary shall reexamine the drainage system recommended in the report of the Chief of Engineers and the feasibility of obtaining material for the levee from upland rather than aquatic sources in order to minimize adverse effects on fish and wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reexamination, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to minimize adverse effects of the project on Spring Lake and on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

**DES MOINES RIVER BASIN, IOWA AND MINNESOTA**

The project for flood control, Des Moines River Basin, Iowa and Minnesota: Report of the Chief of Engineers, dated July 22, 1977, at an estimated cost of \$11,200,000. Before the acquisition of any interest in real property for or the actual construction of the project, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, study the feasibility of minimizing increased flood stages along Jordan Creek in the vicinity of the Chicago, Rock Island and Pacific Railroad Bridge and the implementation of nonstructural and structural flood plain management techniques along the reach of Walnut Creek, including the improvement of channel capacity in the vicinity of Grand Avenue. In addition, the Secretary shall, in consultation with appropriate Federal, State, and local agencies, review the location of river access points and boat ramps. The Secretary is authorized to undertake such additional measures as he determines necessary and appropriate to carry out the results of such study and review.

**REDWOOD RIVER, MINNESOTA**

The project for flood control, Redwood River at Marshall, Minnesota: Report of the Chief of Engineers, dated November 16, 1981, at an estimated cost of \$3,130,000.

**ROOT RIVER BASIN, MINNESOTA**

The project for flood control, Root River Basin, Minnesota: Report of the Chief of Engineers, dated May 13, 1977, House Document Numbered 96-17, at an estimated cost of \$8,150,000.

**SOUTH FORK ZUMBRO RIVER, MINNESOTA**

The project for flood control, South Fork Zumbro River Watershed at Rochester, Minnesota: Report of the Chief of Engineers, dated February 23, 1979, House Document Numbered 96-115, at an estimated cost of \$82,200,000. Notwithstanding such report and any other provision of law (including section 302 of this title), the Federal share of the cost of the project shall be deter-

mined in accordance with such section, except that non-Federal interests shall not be required before and during construction of the project to provide lands, easements, and rights-of-way necessary for changes to highway bridges and foot bridges and approaches to such bridges, and to make relocations of utilities, structures, and other improvements necessary for such changes.

**MISSISSIPPI RIVER AT ST. PAUL, MINNESOTA**

The project for flood control, Mississippi River at St. Paul, Minnesota: Report of the Chief of Engineers, dated June 16, 1983, at an estimated cost of \$7,230,000.

**PARK RIVER, GRAFTON, NORTH DAKOTA**

The project for flood control, Park River, Grafton, North Dakota: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of \$15,200,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

**FOUNTAIN CREEK, COLORADO**

The project for flood control, Fountain Creek, Pueblo, Colorado: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of \$6,600,000.

**METROPOLITAN DENVER, COLORADO**

The project for flood control, Metropolitan Denver and South Platte River and Tributaries, Colorado, Wyoming, and Nebraska: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of \$12,000,000. The Secretary shall include as part of the non-Federal contribution of the project any work carried out by non-Federal interests after January 1, 1978, and before the date of enactment of this Act for upstream drainage improvements and downstream channelization which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

**BOGGY CREEK, TEXAS**

The project for flood control, Boggy Creek, Austin, Texas: Report of the Chief of Engineers, dated January 19, 1981, at an estimated cost of \$13,830,000. The Secretary shall include as part of the non-Federal contribution of the project any work carried out by non-Federal interests on bridges after September 30, 1979, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

**BUFFALO BAYOU AND TRIBUTARIES, TEXAS**

The project for flood control, Buffalo Bayou and Tributaries (Upper White Oak Bayou), Texas: Report of the Chief of Engineers, dated June 13, 1978, House Document Numbered 96-182, at an estimated cost of \$75,000,000.

**LAKE WICHITA, HOLLIDAY CREEK, TEXAS**

The project for flood control, Lake Wichita, Holliday Creek, Texas: Report of the Chief of Engineers, dated July 9, 1979, at an estimated cost of \$19,500,000. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1983, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with the project. Costs and benefits

resulting from such work shall continue to be included for purposes of determining the economic feasibility of the project.

#### LOWER RIO GRANDE, TEXAS

The project for flood control, Lower Rio Grande Basin, Texas: Report of the Board of Engineers for Rivers and Harbors, dated April 29, 1983, at an estimated cost of \$120,430,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study adverse effects of discharges of sediments and pollutants from the project on fish and wildlife. The Secretary is authorized to undertake such measures as he determines necessary and appropriate to minimize such adverse effects and to mitigate the adverse effects of the project on fish and wildlife habitat. Before the acquisition by the Secretary of any interest in real property for the project or the actual construction of the project, the Secretary, after consultation with the Secretary of Agriculture, shall determine that Phases II and III of the project (as set forth in such report) will be undertaken by the Secretary of Agriculture. The Secretary and the Secretary of Agriculture, in consultation with appropriate Federal, State, and local agencies, shall develop an overall mitigation plan for Phases I, II, and III of the project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a copy of such plan, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

#### SIMS BAYOU, TEXAS

The project for flood control, Sims Bayou, Texas: Report of the Division Engineer, dated March 18, 1983, at an estimated cost of \$114,900,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

#### MIDDLE RIO GRANDE, NEW MEXICO

The project for flood control, Middle Rio Grande Flood Protection, Bernalillo to Belen, New Mexico: Report of the Chief of Engineers, dated June 23, 1981, at an estimated cost of \$39,850,000. The project shall include the establishment of 75 acres of wetlands for fish and wildlife habitat and the acquisition of 200 acres of land for mitigation of fish and wildlife losses, as recommended by the District Engineer, Albuquerque, District, in his report dated June 13, 1979.

#### PUERCO RIVER AND TRIBUTARIES, NEW MEXICO

The project for flood control, Puerco River and Tributaries, Gallup, New Mexico: Report of the Chief of Engineers, dated September 4, 1981, at an estimated cost of \$3,220,000.

#### LITTLE COLORADO RIVER, ARIZONA

The project for flood control, Little Colorado River at Holbrook, Arizona: Report of the Chief of Engineers, dated December 23, 1981, at an estimated cost of \$7,730,000.

#### CACHE CREEK BASIN, CALIFORNIA

The project for flood control, Cache Creek Basin, California: Report of the Chief of Engineers, dated April 27, 1981, at an estimated cost of \$21,060,000. The Secretary shall reexamine, in consultation with interested Federal and State agencies and affected Indian tribes, the design of the bypass channel with a view to minimizing adverse effects on archeological resources and shall make such changes in the design as he deems necessary and appropriate to minimize such adverse effects.

#### REDBANK AND FANCHER CREEKS, CALIFORNIA

The project for flood control, Redbank and Fancher Creeks, California: Report of the Chief of Engineers, dated May 7, 1981, at an estimated cost of \$57,200,000. The project shall include measures determined appropriate by the Secretary to minimize adverse effects on ground water and to maximize benefits to ground water, including ground water recharge.

#### SANTA ANA RIVER MAINSTEM, CALIFORNIA

The project for flood control, Santa Ana River Mainstem, including Santiago Creek, California: Report of the Chief of Engineers, dated January 15, 1982, at an estimated cost of \$1,178,000,000 except that acquisition of any interest in real property for, and the actual construction of, such project shall be restricted to the following elements of the project: improvements at Prado Dam which limit the reservoir taking line to no greater than elevation 566 feet; Santa Ana River channel improvements in Orange County; improvements along Santiago Creek; improvements of the Oak Street drain; improvement of the Mill Creek levees; features for mitigation of project effects on and preservation of endangered species; and recreation features as identified in the report of the Chief of Engineers for these project elements. The Secretary shall study (1) the feasibility and environmental impact of including conservation storage at the end of the winter storm season at Prado Dam as a project purpose, (2) the effects of such storage on recreation and leasehold interests at Prado Reservoir and on riparian rights downstream of such dam, and (3) any water supply benefits associated with such storage. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for acquisition of any interest in real property for or the actual construction of other elements of the project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. No acquisition of any interest in real property for or actual construction of other elements of the project shall be undertaken unless such acquisition and actual construction have been agreed to by resolutions of the non-Federal sponsoring agencies. Any relocation of the Talbert Valley Channel undertaken in connection

with the project shall be constructed with a channel capacity sufficient to accommodate a 100-year flood.

#### ALENAIO STREAM, HAWAII

The project for flood control, Alenaio Stream, Hawaii: Report of the Board of Engineers for Rivers and Harbors, dated January 18, 1983, at an estimated cost of \$5,600,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

#### AGANA RIVER, GUAM

The project for flood control, Agana River, Guam: Report of the Chief of Engineers, dated March 14, 1977, House Document Numbered 96-16, at an estimated cost of \$6,300,000.

#### LITTLE WOOD RIVER, IDAHO

The project for flood control, Little Wood River, vicinity of Gooding and Shoshone, Idaho: Report of the Chief of Engineers, dated November 2, 1977, House Document Numbered 96-9, at an estimated cost of \$3,750,000. After completion of the project, the Secretary shall evaluate and monitor the extent of any fish losses that are attributable to the project and undertake such additional mitigation measures as he determines appropriate.

#### YAKIMA-UNION GAP, WASHINGTON

The project for flood control, Yakima-Union Gap, Washington: Report of the Chief of Engineers, dated May 7, 1980, at an estimated cost of \$8,640,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall review the probable effects of the project on fish and wildlife resources and the feasibility of including recreation as a project purpose. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such review, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat.

#### CHEHALIS RIVER, WASHINGTON

The project for flood control, Chehalis River at South Aberdeen and Cosmopolis, Washington: Report of the Chief of Engineers, dated February 8, 1977, House Document Numbered 96-27, at an estimated cost of \$19,300,000. Before beginning the actual construction of the project, the Secretary shall perform additional studies relating to foundation materials in the project area and with regard to dredged spoil disposal sites and make such modifications as he determines appropriate.

#### CENTRALIA, WASHINGTON

The project for flood control, Centralia-Chehalis Flood Damage Reduction Study, Chehalis River and Tributaries, Washington: Report of the District Engineer, Seattle District, dated December 1982, at an estimated cost of \$18,200,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (f) of this section.

(b) The Secretary is authorized and directed to design and construct, at full Federal expense, such flood control measures at or in the vicinity of Salyersville, Kentucky, on



Licking River as the Secretary determines necessary and appropriate to afford the city of Salyersville, Kentucky, and its immediate environs a level of protection against flooding at least sufficient to prevent any future losses to such city from the likelihood of flooding such as occurred in December 1978, at an estimated cost of \$7,000,000. With respect to such project, Congress finds that the benefits determined in accordance with section 209 of the Flood Control Act of 1970 and attributable to the flood measures authorized for such project exceed the cost of such measures.

(c) The Secretary is authorized to construct a project for flood damage prevention in the community of Gold Gulch, near Felton, Santa Cruz County, California, at an estimated cost of \$6,000,000. The provisions of section 302 of this title shall apply to such project.

(d)(1)(A) The Secretary is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to communities in the Pearl River Basin, St. Tammany Parish, Louisiana, at an estimated cost of \$25,000,000.

(B) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Pearl River Basin, Mississippi and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this paragraph.

(2) The Secretary is authorized and directed to design, construct, and undertake such measures as the Secretary determines are necessary to provide a level of protection sufficient to prevent recurring flood damages along the following rivers:

- (A) Amite River, Louisiana;
- (B) Comite River, Louisiana;
- (C) Tangipahoa River, Louisiana;
- (D) Tchefuncte River, Louisiana;
- (E) Tickfaw River, Louisiana;
- (F) Bogue Chitto River, Louisiana; and
- (G) Natalbany River, Louisiana;

at an estimated cost of \$25,000,000.

(e) The Secretary is authorized and directed to purchase such land along Highway 75 in Minnesota as may be required for the construction of the International Levee segment of the Emerson, Manitoba, flood control project and to upgrade existing flood control levees in the vicinity of Noyes, Minnesota, at an estimated cost of \$200,000.

(f) In the case of any project authorized by subsection (a) of this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(g) The Secretary is authorized to undertake flood control works along the lower portion of Calleguas Creek, Conejo Creek to

the Pacific Ocean, California, at an estimated cost of \$40,000,000. The provisions of section 302 of this title shall apply to such project.

(h) The Secretary is authorized to undertake appropriate local flood control protection measures along the lower portions of Coyote Creek adjacent to and in the vicinity of Alviso, California, and along the Guadalupe River in the vicinity of San Jose, California. The Secretary shall include as part of the non-Federal contribution of the project any local flood protection work carried out by non-Federal interests after January 1, 1983, and before the date of enactment of this Act which work the Secretary determines is reasonably compatible with such measures. Costs and benefits resulting from such work shall continue to be included for purposes of determining the economic feasibility of such measures. The provisions of section 302 of this title shall apply to such project.

(i)(1) The Secretary is authorized and directed to undertake such structural and nonstructural measures as he deems feasible to prevent flood damage to the cities of Monroe and West Monroe, Louisiana, and Ouachita Parish, Louisiana, at an estimated cost of \$40,000,000.

(2) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study entitled Monroe-West Monroe Interim Study of the Ouachita Basin Study, Ouachita River Basin, Arkansas and Louisiana, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this subsection.

(j) The Secretary is authorized to undertake the following elements of the overall project for flood damage protection and allied purposes in the Passaic River Basin, New Jersey and New York, as described in the report of the Chief of Engineers, dated February 18, 1976, with such modifications as the Chief of Engineers deems advisable, which modifications shall include, but are not limited to, plans being developed by the District Engineer for—

- (1) Molly Ann's Brook Subbasin, New Jersey, at an estimated cost of \$6,600,000;
- (2) Lower Saddle River Basin, New Jersey, at an estimated cost of \$55,000,000;
- (3) plan 6B of the Ramapo River at Oakland, Pompton Lakes and Wayne, New Jersey at a cost of \$8,500,000;
- (4) Upper Rockaway River Basin, New Jersey, at an estimated cost of \$25,000,000;
- (5) Nakoma Brook Sloatsburg, New York, at an estimated cost of \$4,500,000;
- (6) Ramapo and Mahwah Rivers at Mahwah, New Jersey, and Suffern, New York, at an estimated cost of \$5,900,000; and
- (7) the project for flood protection in the Third River, Passaic Basin, New Jersey, at an estimated cost of \$12,000,000.

The provisions of section 302 of this title shall apply to such projects.

(k)(1) The Secretary is authorized to design and construct flood control works for the protection of Meredosia, Illinois, at an estimated cost of \$80,000. Such project shall include, but not be limited to, a levee which is approximately one-fifth of a mile long. The provisions of section 302 of this title shall apply to such project.

(2) For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of any study on the Illinois River, authorized by resolution of the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of

the House of Representatives, the Secretary shall take into account the costs and benefits of any measures undertaken by the Secretary pursuant to paragraph (1) in the interest of preventing flood damages along the Illinois River in the vicinity of Meredosia, Illinois.

(l) The Secretary is authorized to undertake a project for flood control works along Mission Zanja Creek within the city of Redlands, California, in accordance with the plan developed by the District Engineer based on studies pursuant to section 205 of the Flood Control Act of 1948, at an estimated cost of \$13,209,000. The provisions of section 302 of this title shall apply to such project.

(m)(1) The Secretary is authorized and directed to study the nature and scope of flood problems resulting from Rio Puerto Nuevo, Puerto Rico. Such study shall take into account the objectives described in section 1101 of this Act and the benefits and costs attributable to any project considered to minimize such flood problems. Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the results of such study including recommendations on measures necessary to minimize such flood problems.

(2) The Secretary is authorized and directed to undertake, on an emergency basis, such structural and nonstructural measures as the Secretary deems necessary to prevent flood damage in the city of San Juan, Puerto Rico, from Rio Puerto Nuevo, Puerto Rico, at an estimated cost of \$25,000,000.

(n) The Secretary is authorized to undertake such measures, including silt removal and channel modification, in the vicinity of the confluence of the Salt and Eel Rivers, California, as the Secretary determines necessary to prevent recurring floods along the Eel River and its tributaries, at an estimated cost of \$800,000. The provisions of section 302 of this title shall apply to such project.

(o) The Secretary is authorized and directed to undertake such structural and nonstructural measures as the Secretary determines necessary to prevent flood damage resulting from rising lake levels at Malheur and Harney Lakes, Oregon, at an estimated cost of \$15,000,000. The provisions of section 302 of this title shall apply to such project.

(p) The Secretary is authorized to construct the project for flood control, O'Hare System of the Chicagoland Underflow Plan, Illinois, substantially in accordance with the Draft Report of the District Engineer, Chicago District, dated April 1984, at an estimated cost of \$17,200,000, except that the capacity of the flood control reservoir shall be at least 1,050 acre-feet in order to provide optimum storage capacity for flood control purposes.

(q)(1) The Secretary shall undertake such measures as he deems necessary to correct flooding problems in the south end of Louisville, Kentucky, within an area bounded by New Cut Road west to the city limits and Palatka Road south to the city limits at an estimated cost of \$1,200,000. The provisions of section 302 of this title shall apply to such project.

(2) The Secretary is authorized to provide technical assistance to the city of Louisville, Kentucky, to assist such city in the correction of flooding caused by drainage problems in such city.

(r) The Secretary is authorized to construct a project for flood control for Poplar Brook, New Jersey, including reconstruction

of the brook through the Borough of Deal, New Jersey, to accommodate the runoff from a storm having an average frequency of occurrence of once every 15 years, replacement of the culvert through the Conrail railroad embankment with a new culvert designed to pass a maximum flow equivalent to the peak flow from a storm having an average frequency of occurrence of once every 15 years, use of the area upstream of the embankment as an on-stream detention basin, and gabion or other lining as determined appropriate by the Secretary, at an estimated cost of \$2,300,000. The provisions of section 302 of this title shall apply to such project.

(s)(1) The Secretary is authorized and directed, at an estimated cost of \$81,225,000, to design and construct for the purpose of providing flood control for the Pearl River Basin in Mississippi, including, but not limited to, Carthage, Jackson, Monticello, and Columbia, Mississippi—

(A) a flood retarding dam on the Pearl River, upstream of the Ross Barnett Dam, in the vicinity of Shoccoe, Mississippi;

(B) a combination roadway crossing of the Pearl River and floodwater detention and storage facility in east central Leake County, Mississippi;

(C) a levee system in the south part of Carthage, Mississippi, which will upgrade, extend, and improve the protective levee system on the south side of Highway 16 in Leake County and the city of Carthage;

(D) appropriate drainage structure and bridge modifications to expand and improve the stormwater conduits under Mississippi Highway 35, south of Carthage, Mississippi, for the purposes of reducing backwater influence for areas upstream of such highway;

(E) upstream reservoirs on the Pearl River;

(F) such other structures as may be necessary to alleviate unforeseen flooding in the Leake County area as a result of the construction of the Shoccoe Dry Dam; and

(G) channel improvements on the upstream Pearl River.

(2) Prior to initiation of construction of the projects authorized by paragraph (1), non-Federal interests shall agree (A) to hold and save the United States free from damages due to the construction and operation of such projects, and (B) to operate and maintain such projects in accordance with regulations prescribed by the Secretary. The provisions of section 302 of this title shall apply to such projects.

(t) If any provision in any report designated by subsection (a) of this section recommends that a State contribute in cash 5 per centum of the construction costs allocated to nonvendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 302. (a)(1) Except as provided in paragraph (2) of this subsection, the non-Federal share of the cost of any project for flood control (A) which is authorized by section 301(a) of this title, or (B) which is authorized by any other law enacted before the date of enactment of this Act and for which a contract for construction has not been entered into before such date of enactment, shall be 25 per centum.

(2) If the sum (as determined by the Secretary upon completion of the project) of (A) the value of all lands, easements, and rights-of-way required for a project for flood control to which paragraph (1) applies (other than a nonstructural project), plus (B) the cost of all necessary relocations of

utilities, structures, and other improvements for such project is a percentage of the cost of such project which is greater than 25 per centum, the non-Federal share of the cost of such project shall be such percentage, except that in no event shall the non-Federal share determined under this paragraph exceed 30 per centum of the cost of the project.

(b) If the Secretary estimates before the beginning of construction of any project for flood control to which subsection (a) applies that the sum of (1) the value of all lands, easements, and rights-of-way required for such project, plus (2) the cost of all necessary relocations of utilities, structures, and other improvements for such project will be a percentage of the cost of such project which is greater than 30 per centum (or which is greater than 25 per centum in the case of a nonstructural project), the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way and make such relocations, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary and the cost of necessary relocations made by the Secretary shall be limited to the amount by which such estimated sum exceeds an amount equal to 30 per centum of the estimated cost of the project (or an amount equal to 25 per centum of the estimated cost of a nonstructural project).

(c) If the Secretary determines after completion of a project for flood control to which subsection (a) applies that the sum of (1) the value of lands, easements, and rights-of-way provided by the non-Federal interests, plus (2) the cost of relocations of utilities, structures, and other improvements made by the non-Federal interests is less than the non-Federal share of the cost of the project, the non-Federal interests shall pay to the Secretary the amount necessary to meet the non-Federal share, plus interest from the date of such determination (as computed under subsection (e)), over a period of fifteen years from the date of such determination or such shorter period as the non-Federal interests may request. If such sum exceeds the non-Federal share of the cost of the project (as so determined), the Secretary shall pay to the non-Federal interests an amount equal to such excess, plus interest from the date of such determination, subject to the general availability of appropriations for that purpose. Payments under the preceding sentence shall not be subject to the limitation contained in the last sentence of section 215(a) of the Flood Control Act of 1968.

(d) After completion of any project to which subsection (a) applies, the Secretary shall transfer, without consideration, to the non-Federal interests any lands, easements, and rights-of-way acquired by the Secretary under subsection (b).

(e) The interest rate used for purposes of computing interest under subsection (c) shall be determined by the Secretary of the Treasury as of the date on which the project is substantially completed and provides the flood protection benefits for which such project is designed, as determined by the Secretary. Such interest rate shall be determined on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from the date of issue.

(f)(1) For purposes of this section, the cost of a project includes, but is not limited to,

the value of lands, easements, and rights-of-way, and the cost of relocations of utilities, structures, and other improvements, necessary to carry out the project.

(2) For purposes of this section, the value of lands, easements, and rights-of-way (other than lands, easements, and rights-of-way acquired by purchase for the project by the Secretary for any non-Federal interest) shall be determined by the Secretary as of the date on which actual construction of such project is begun.

(g)(1) For purposes of analyzing the costs and benefits of a proposed project for flood control in any study of such project, the Secretary shall take into account the costs incurred in and the benefits produced by any local flood protection work carried out by non-Federal interests after the later of (A) the first day of the five-year period ending on the date of enactment of this Act, or (B) the first day of the five-year period ending on the date on which funds are first obligated for such study, if the Secretary determines that such work can reasonably be expected to be compatible with the project being considered by the Secretary. This paragraph shall not apply to any study for a project which project is authorized by this Act or any Act enacted before the date of enactment of this Act.

(2) The Secretary shall include as part of the non-Federal contribution of any authorized project for flood control the cost of any local flood protection work which is part of such project and which is carried out by the non-Federal interests after the date of such authorization or after the date of enactment of this Act, whichever is later. With respect to any local flood protection work carried out by non-Federal interests after the first obligation of funds for a study of a project for flood control (but not before the first day of the five-year period ending on the date of enactment of this Act), the Secretary shall recommend in any report submitted to Congress relating to such project that the cost of such work be included as part of the non-Federal contribution of such project if the Secretary determines that such work is reasonably compatible with the proposed project. Any local flood protection work included as part of the non-Federal contribution of a project for flood control under this paragraph shall not be subject to the limitation contained in the last sentence of section 215(a) of the Flood Control Act of 1968.

SEC. 303. Before construction of any project for local flood protection, the non-Federal interests shall agree to participate in and comply with applicable Federal flood plain management and flood insurance programs.

SEC. 304. Section 2 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 33 U.S.C. 701a-1), is amended by inserting after "drainage improvements" the following: "and flood prevention improvements for protection from groundwater-induced damages".

#### PART IV—SHORELINE PROTECTION

SEC. 401. (a) The following works of improvement for the benefit of shoreline protection are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided,



or in accordance with such plans as the Secretary determines are advisable in any case in which there is no report designated.

#### ROCKAWAY INLET TO NORTON POINT, NEW YORK

The project for shoreline protection, Atlantic Coast of New York City from Rockaway Inlet to Norton Point: Report of the Chief of Engineers, dated August 18, 1976, House Document Numbered 96-23, including beach fill up to 250 feet beyond the historical shoreline as described in the report of the District Engineer, New York District, dated August 1973, at an estimated cost of \$9,700,000. The non-Federal share of the cost of construction and nourishment of the additional beach fill shall be 50 per centum.

#### CAPE MAY INLET TO LOWER TOWNSHIP, NEW JERSEY

The project for shoreline protection, Cape May Inlet to Lower Township, New Jersey: Report of the Chief of Engineers, dated December 23, 1981, including construction of beach erosion mitigation measures from Cape May Inlet to Lehigh Avenue in Cape May Point Borough substantially in accordance with Plan A of the Phase I General Design Memorandum, titled "Cape May Inlet to Lower Township, New Jersey", dated August 1980, at an estimated cost of \$40,000,000.

#### ATLANTIC COAST OF MARYLAND (OCEAN CITY)

The project for shoreline protection, Atlantic Coast of Maryland (Ocean City) and Assateague Island, Virginia: Report of the Chief of Engineers, dated September 29, 1981, at an estimated cost of \$20,000,000.

#### WILLOUGHBY SPIT, VIRGINIA

The project for shoreline protection, Willoughby Spit and Vicinity, Norfolk, Virginia: Report of the District Engineer, Norfolk District, dated January 1983, at an estimated cost of \$1,558,600, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

#### WRIGHTSVILLE BEACH, NORTH CAROLINA

The project for shore and hurricane wave protection, Wrightsville Beach, North Carolina: Report of the Board of Engineers for Rivers and Harbors, dated March 23, 1983, at an estimated annual cost of \$260,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

#### FOLLY BEACH, SOUTH CAROLINA

The project for shoreline protection, Folly Beach, South Carolina: Report of the Chief of Engineers, dated March 17, 1981, at an estimated cost of \$1,107,000.

#### PANAMA CITY BEACHES, FLORIDA

The project for shoreline protection, Panama City Beaches, Florida: Report of the Chief of Engineers, dated July 8, 1977, House Document Numbered 96-65, at an estimated cost of \$26,220,000.

#### ST. JOHNS COUNTY, FLORIDA

The project for shoreline protection, St. Johns County, Florida: Report of the Chief of Engineers, dated February 26, 1980, at an estimated cost of \$7,660,000. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

#### CHARLOTTE COUNTY, FLORIDA

The project for shoreline protection, Charlotte County, Florida: Report of the Chief of Engineers, dated April 2, 1982, at an estimated cost of \$1,440,000. To the maximum extent feasible, the Secretary shall

construct such project so as to minimize the harm to marine borrow areas and reefs.

#### INDIAN RIVER COUNTY, FLORIDA

The project for shoreline protection, Indian River County, Florida: Report of the Chief of Engineers, dated December 21, 1981, at an estimated cost of \$2,300,000, except that the non-Federal share of the cost of the Sebastian Inlet State Park segment shall be 30 per centum. To the maximum extent feasible, the Secretary shall construct such project so as to avoid adverse effects on sea turtle nesting.

#### DADE COUNTY, FLORIDA

The project for shoreline protection, Dade County, north of Haulover Beach Park, Florida: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of \$3,990,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section. To the maximum extent feasible, the Secretary shall construct the project so as to minimize adverse effects on coral reefs.

#### MONROE COUNTY, FLORIDA

The project for shoreline protection, Monroe County, Florida: Report of the Division Engineer, dated February 25, 1982, at an estimated cost of \$1,650,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph and including such modification as may be recommended by the Secretary with respect to such project under subsection (b) of this section. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall study the effects that construction, operation, and maintenance of the proposed project (other than the portion of the project consisting of Smathers Beach) may have on the seagrass community in the project area. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to minimize the adverse effects of such construction, operation, and maintenance on such seagrass community. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project (other than the portion of the project consisting of Smathers Beach) unless such acquisition and actual construction have been approved by resolution adopted by each such committee. The portion of the project consisting of Smathers Beach shall include any measures which the Secretary determines, in consultation with the United States Fish and Wildlife Service, the Environmental Protection Agency, and the National Marine Fisheries Service, are appropriate to minimize adverse effects from carrying out such portion on the seagrass community.

#### PRESQUE ISLE PENINSULA, ERIE, PENNSYLVANIA

The project for shoreline protection, Presque Isle Peninsula, Erie, Pennsylvania: Report of the Chief of Engineers, dated October 2, 1981, at an estimated cost of \$18,550,000.

#### CASINO BEACH, CHICAGO, ILLINOIS

The project for shoreline protection, Interim II, Casino Beach, Chicago, Illinois: Report of the Board of Engineers for Rivers and Harbors, dated December 1, 1983, at an estimated cost of \$4,155,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

#### ILLINOIS BEACH STATE PARK, ILLINOIS

The project for shoreline protection, Illinois Beach State Park, Illinois described as alternative 3A in Interim Report 1, Illinois-Wisconsin Stateline to Waukegan of the District Engineer, Chicago District, dated June 1982, at an estimated cost of \$11,890,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

#### INDIANA SHORELINE, INDIANA

The project for shoreline protection, Indiana Shoreline Erosion, Indiana: Report of the Board of Engineers for Rivers and Harbors, dated January 28, 1983, at an estimated cost of \$7,390,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

#### MAUMEE BAY, LAKE ERIE, OHIO

The project for shoreline protection for the southeast shore of Maumee Bay State Park, Ohio: Report of the District Engineer, Buffalo District, dated June 1983, at an estimated cost of \$10,396,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section. The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91-611) shall not apply to any agreements between the Federal Government and the State of Ohio for local cooperation as a condition for the construction of such project. The Secretary is authorized to contract with the State of Ohio on the items of local cooperation for such project, which are to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature making the necessary appropriations and funds being allocated for the same or subject to the availability of funds on the part of the State.

(b) In the case of any project authorized by subsection (a) of this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(c) The Secretary is authorized and directed to design and construct an erosion control structure approximately 8,200 feet in length on the western shore of Tangier

Island, Virginia, adequate to protect such island from further erosion, at an estimated cost of \$3,500,000. Such project shall be carried out on an emergency basis, in view of the national, historic, and cultural value of the island and in order to protect the Federal investment in public facilities.

(d) The Secretary is authorized to carry out the project for shore protection at Coconut Point, Tutuila Island, American Samoa, including a 3,600-foot long rock revetment to protect communal lands and public facilities, at an estimated cost of \$1,500,000.

(e) If any provision in any report designated by subsection (a) recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 402. (a) The Secretary shall undertake demonstration projects for shoreline erosion control at the following communities in New Jersey: Fort Elsinboro, Sea Breeze, Gandys Beach, Reeds Beach, Pierces Point, and Portescue.

(b) Such demonstration projects shall be carried out in cooperation with Federal, State, and local agencies, and private organizations.

(c) Such demonstration projects may be carried out on private or public lands except that privately owned lands shall not be acquired under authority of this section. In the case of sites located on private or non-Federal public lands, the demonstration projects shall be undertaken in cooperation with non-Federal interests who shall pay 25 per centum of construction costs at each site and assume operation and maintenance costs upon completion of the project.

(d) The Secretary shall prepare and submit to Congress a report on each site during the fiscal year following completion of construction at that site. Such report shall include an analysis of the technique or techniques used and an evaluation of their functioning to that point.

(e) There is authorized to be appropriated not to exceed \$12,500,000 to carry out this section for fiscal years beginning after September 30, 1984.

#### PART V—WATER RESOURCES CONSERVATION AND DEVELOPMENT

SEC. 501. (a) The following works of improvement for water resources development and conservation and for other purposes are hereby adopted and authorized to be prosecuted by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the respective reports hereinafter designated in this section, except as otherwise provided, or in accordance with such plans as the Secretary determines advisable in any case in which there is no report designated.

##### NEPONSET RIVER, MILTON TOWN LANDING TO PORT NORFOLK, MASSACHUSETTS

The project for dredging, Neponset River, Milton Town Landing to Port Norfolk, Massachusetts, including the disposal of the dredged material at sea, at an estimated cost of \$3,000,000.

##### BIG RIVER RESERVOIR, RHODE ISLAND

The project for flood control, Big River Reservoir, Rhode Island: Report of the Chief of Engineers, dated March 9, 1983, at an estimated cost of \$40,900,000, including the acquisition of such additional lands as the Secretary recommends in the report transmitted under this paragraph. The Sec-

retary, in consultation with appropriate Federal, State, and local agencies, shall reevaluate the acquisition of mitigation lands recommended in the report of the Chief of Engineers for purposes of determining the need for additional lands for mitigation of fish and wildlife losses. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such reevaluation, including a description of any additional lands determined by the Secretary to be necessary and appropriate for mitigation of fish and wildlife losses. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

##### OLCOTT HARBOR, NEW YORK

The project for navigation, Olcott Harbor, New York: Report of the Chief of Engineers, dated June 11, 1980, at an estimated cost of \$5,780,000. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall conduct additional studies of the effects of the project on fish and wildlife resources. Such studies shall include the development and testing of a physical model of the proposed plan. The Secretary is authorized to undertake any additional measures which he determines necessary and appropriate to minimize any adverse effects of the project on fish and wildlife production and habitat.

##### HAMPTON ROADS DEBRIS REMOVAL, VIRGINIA

The project for the removal of debris from Hampton Roads and Vicinity, Virginia: Report of the Board of Engineers for Rivers and Harbors, dated January 19, 1983, at an estimated cost of \$2,133,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

##### RUDEE INLET, VIRGINIA

The project for navigation and shoreline protection, Rudee Inlet, Virginia Beach, Virginia: Report of the Division Engineer, dated February 4, 1983, at an estimated cost of \$1,124,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

##### ATLANTIC INTRACOASTAL WATERWAY BRIDGES, NORTH CAROLINA

The project for replacement of Atlantic Intracoastal Waterway Bridges, North Carolina: Report of the Chief of Engineers, dated October 1, 1975, House Document Numbered 94-597, at an estimated cost of \$34,300,000.

##### RICHARD B. RUSSELL DAM AND LAKE, GEORGIA AND SOUTH CAROLINA

The project for mitigation of fish and wildlife losses at Richard B. Russell Dam and Lake Project, Savannah River, Georgia and South Carolina: Report of the Chief of Engineers, dated May 11, 1982, House Document Numbered 97-244, at an estimated cost of \$18,700,000, including utilization for purposes of fish and wildlife habitat mitigation of such Federal lands as may be described by the Secretary in the report transmitted under this paragraph. The Secretary and the State of South Carolina, in consultation with the United States Fish and Wildlife Service, shall identify those Federal lands at Clarks Hill Lake to be utilized for purposes

of fish and wildlife habitat mitigation. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the lands so identified. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

##### METROPOLITAN ATLANTA AREA, GEORGIA

The project for water supply, Metropolitan Atlanta Area, Georgia: Report of the Chief of Engineers, dated June 1, 1982, at an estimated cost of \$24,500,000, including such additional measures as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall further evaluate the possible effects of the proposed project on fish and wildlife habitat and related resources. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation, along with recommendations for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat and related resources. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution of the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

##### JACKSONVILLE HARBOR (MILL COVE), FLORIDA

The project for navigation, Jacksonville Harbor (Mill Cove), Florida: Report of the Chief of Engineers, dated February 12, 1982, at an estimated cost of \$5,700,000, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph. The Secretary, in consultation with the State of Florida, shall study the adequacy of available dredged material disposal areas for construction, operation, and maintenance of the project and the potential of such disposal areas for recreational development. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study, along with recommendations for modifications in the project which the Secretary determines to be necessary and appropriate to assure that adequate dredged material disposal areas are available for construction, operation, and maintenance of the project and recommendations for a recreational master plan. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section



1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee. After completion of the project, the Secretary shall monitor and evaluate the effectiveness of the project in reducing shoaling.

#### YAZOO BACKWATER AREA, MISSISSIPPI

The project for mitigation of fish and wildlife losses at the Yazoo Backwater Project, Mississippi: Report of the Mississippi River Commission, dated December 16, 1982, at an estimated cost of \$17,610,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional measures. The project shall include acquisition of 40,000 acres for mitigation of project-induced fish and wildlife losses as recommended in the report of the District Engineer, Vicksburg District, dated July 1982. A portion of such 40,000 acres which the Secretary, in consultation with the United States Fish and Wildlife Service and the Governors of the States of Mississippi and Arkansas, may determine may be acquired from willing sellers in the State of Arkansas.

#### GREENVILLE HARBOR, MISSISSIPPI

The project for navigation, Greenville Harbor, Mississippi: Report of the Chief of Engineers, dated November 15, 1977, as amended by the supplemental report of the Chief of Engineers dated February 22, 1982, at an estimated cost of \$28,800,000, except that initial construction of the project shall be to the full project dimensions, including a channel width of 500 feet and a depth of 12 feet.

#### VICKSBURG HARBOR, MISSISSIPPI

The project for navigation, Vicksburg Harbor, Mississippi: Report of the Chief of Engineers, dated August 13, 1979, at an estimated cost of \$54,700,000, except that initial construction of the project shall be to the full project dimensions.

#### MEMPHIS HARBOR, MEMPHIS, TENNESSEE

The project for navigation, Memphis Harbor, Memphis, Tennessee: Report of the Chief of Engineers, dated February 25, 1981, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of \$42,010,000, except that initial construction of the project shall be to the full project dimensions and the project shall include acquisition of such additional lands, but not to exceed 500 acres, for mitigation of losses of bottomland hardwood habitat as may be recommended by the Secretary in such report. The Secretary shall reevaluate, in consultation with the Fish and Wildlife Service, the need for mitigation of project-induced losses of bottomland hardwood habitat. The Secretary, in consultation with the Environmental Protection Agency, shall conduct further studies of the quality of the water in the project area and the need for measures to prevent adverse effects on the quality of the water. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such reevaluation and study, along with recommendations for additional lands which the Secretary determines to be necessary and

appropriate to mitigate project-induced losses of bottomland hardwood habitat and for additional measures which the Secretary determines necessary and appropriate to prevent adverse effects on water quality. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

#### LAKE PONTCHARTRAIN NORTH SHORE, LOUISIANA

The project for navigation, Lake Pontchartrain North Shore, Louisiana: Report of the Chief of Engineers, dated February 14, 1979, at an estimated cost of \$850,000.

#### ATCHAFALAYA BASIN, LOUISIANA

The project for flood control, Atchafalaya Basin Floodway System, Louisiana: Report of the Chief of Engineers, dated February 28, 1983, at an estimated cost of \$195,000,000.

#### RED RIVER WATERWAY, LOUISIANA

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana: Report of the Board of Engineers for Rivers and Harbors, dated March 21, 1984, at an estimated cost of \$10,495,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

#### CABIN CREEK, WEST VIRGINIA

The project for flood damage prevention features, Cabin Creek, West Virginia: Report of the Chief of Engineers, dated March 1, 1979, at an estimated cost of \$4,000,000, including channel improvement for 10.5 miles on Cabin Creek, establishment of flood plain management guidelines, and supplemental flood proofing. The construction of such features shall be coordinated with any construction by other Federal agencies of other features described in such report under applicable Federal laws.

#### OBION CREEK, KENTUCKY

The project for mitigation of fish and wildlife losses, West Kentucky Tributaries Project, Obion Creek, Kentucky: Report of the Chief of Engineers, dated September 16, 1980, at an estimated cost of \$4,650,000, except that (1) the Secretary, in consultation with the United States Fish and Wildlife Service, shall acquire and preserve not less than 6,000 nor more than 9,000 acres of woodland for mitigation of project-induced woodland and wetland habitat losses, and (2) the land for mitigation of damages to fish and wildlife shall be acquired as soon as possible from available funds, including the Environmental Protection and Mitigation Fund established by section 1104 of this Act.

#### MUDDY BOGGY CREEK, PARKER LAKE, OKLAHOMA

The project for flood control and water supply, Parker Lake, Muddy Boggy Creek, Oklahoma: Report of the Chief of Engineers, dated May 30, 1980, at an estimated cost of \$40,200,000.

#### FORT GIBSON LAKE, OKLAHOMA

The project for Fort Gibson Lake, Oklahoma: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of \$23,200,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section.

#### HARRY S. TRUMAN DAM AND RESERVOIR, MISSOURI

The project for modification of the Harry S. Truman Dam and Reservoir Project, Missouri: Report of the Chief of Engineers, dated December 21, 1981, at an estimated cost of \$2,000,000. The Secretary, in consultation with the State of Missouri and the United States Fish and Wildlife Service, shall acquire lands, or designate project joint-use lands, for mitigation of fish and wildlife losses in addition to those lands recommended for such purposes by such report; except that the total acreage of all mitigation lands shall not exceed 1,000 acres.

#### TRIMBLE WILDLIFE AREA, SMITHVILLE LAKE, LITTLE PLATTE RIVER, MISSOURI

The project for replacement of the Trimble Wildlife Area, Smithville Lake, Little Platte River, Missouri: Report of the Chief of Engineers, dated September 22, 1977, House Document Numbered 95-389, at an estimated cost of \$7,769,000.

#### ST. LOUIS HARBOR, MISSOURI AND ILLINOIS

The project for navigation, St. Louis Harbor, Missouri and Illinois: Report of the Board of Engineers for Rivers and Harbors, dated April 6, 1983, at an estimated cost of \$10,440,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section, and except that initial construction of the project shall be to the full project dimensions.

#### MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA

The project for mitigation of fish and wildlife losses, Missouri River Bank Stabilization and Navigation Project, Missouri, Kansas, Iowa, and Nebraska: Report of the Chief of Engineers, dated April 24, 1984, at an estimated cost of \$48,400,000. The Secretary shall study the need for additional measures for mitigation of losses of aquatic and terrestrial habitat caused by such project and shall report to Congress, within three years after the date of enactment of this Act, on the results of such study and any recommendations for additional measures needed for mitigation of such losses.

#### DAVENPORT, IOWA (NAHANT MARSH)

The Davenport, Iowa Local Protection Project—Fish and Wildlife Mitigation Plan: Report of the Chief of Engineers, dated July 9, 1979, at an estimated cost of \$387,000.

#### HELENA HARBOR, PHILLIPS COUNTY, ARKANSAS

The project for navigation, Helena Harbor, Phillips County, Arkansas: Report of the Chief of Engineers, dated October 17, 1980, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of \$37,100,000, except that initial construction of the project shall be to the full project dimensions and the project shall include acquisition of such additional lands as may be recommended by the Secretary in such report. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the adequacy of the recommended measures for mitigation of losses of wildlife habitat. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluation, along with recommendations for additional

lands which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on fish and wildlife habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such committee.

**WHITE RIVER NAVIGATION TO BATESVILLE,  
ARKANSAS**

The project for navigation, White River Navigation to Batesville, Arkansas: Report of the Chief of Engineers, dated December 23, 1981, including such modifications as may be recommended by the Secretary in the report transmitted under this paragraph, at an estimated cost of \$22,900,000, except that the project shall include 1,865 acres of habitat mitigation lands. The Federal share of the cost of relocation of any oil, natural gas, or other pipeline, any electric transmission cable or line, any communications cable or line, and facilities related to such pipeline, cable, or line (1) the relocation of which is necessary for construction, operation, and maintenance of the project, and (2) which may only be built or commenced if authorized by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), shall be 50 per centum. The non-Federal share of such cost shall be paid by the owner of the facility being relocated. The acquisition of all lands, easements, and rights-of-way necessary for the project, including lands for disposal of dredged material, shall be at full Federal expense. The Secretary, in consultation with the Fish and Wildlife Service, shall evaluate the effect of the project on the Fat Pocketbook Pearly Mussel. The Secretary shall also evaluate, in consultation with the Fish and Wildlife Service, the feasibility of including weirs in tributary areas to benefit aquatic habitat and is authorized to include them as he determines appropriate. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report of such evaluations, along with recommendations (A) for additional measures which the Secretary determines to be necessary and appropriate to mitigate the adverse effects of the project on the Fat Pocketbook Pearly Mussel, and (B) for weirs in tributary areas which the Secretary determines to be necessary and appropriate to benefit aquatic habitat. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee. Nothing in this paragraph shall be construed to effect the requirements of Public Law 89-669, as amended.

**TRINITY RIVER, TEXAS**

The project for the mitigation of fish and wildlife losses, Trinity River, Texas: Report of the Board of Engineers for Rivers and Harbors, dated October 4, 1982, at an estimated cost of \$9,310,000, including such modifications as may be recommended by the Secretary with respect to such project

under subsection (b) of this section for additional mitigation measures.

**COOPER LAKE AND CHANNELS, TEXAS**

The project for the mitigation of fish and wildlife resource losses, Cooper Lake and Channels, Texas: Report of the Chief of Engineers, dated May 21, 1982, at an estimated cost of \$7,570,000, except that the non-Federal share of any portion of the costs of mitigation of fish and wildlife losses attributable to water supply features of the project shall be repaid in accordance with the Water Supply Act of 1958 and the non-Federal share of any portion of the costs of mitigation of fish and wildlife losses attributable to recreation features of the project shall be repaid in accordance with the Federal Water Project Recreation Act.

**SACRAMENTO RIVER BANK PROTECTION,  
CALIFORNIA**

The project for mitigation of fish and wildlife losses, Sacramento River Bank Protection Project, California: Report of the Chief of Engineers, dated September 1, 1981, at an estimated cost of \$1,867,000.

**SWEETWATER RIVER, CALIFORNIA**

The project for mitigation of fish and wildlife losses, Sweetwater River channel improvement project, California: Report of the Division Engineer, dated July 15, 1982, at an estimated cost of \$3,477,000, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section for additional mitigation measures.

**LAVA FLOW CONTROL, HAWAII**

The project for lava flow control, Island of Hawaii: Report of the Chief of Engineers, dated July 21, 1981, at an estimated cost of \$3,949,000.

**WAILUA FALLS, WAILUA RIVER, KAUAI, HAWAII**

The project for hydroelectric power generation at Wailua Falls, Wailua River, Kauai, Hawaii: Report of the Board of Engineers for Rivers and Harbors, dated July 18, 1983, at an estimated cost of \$11,243,000.

**CITY WATERWAY, TACOMA, WASHINGTON**

The project for the relocation of the boundaries of the City Waterway, Tacoma Harbor, Washington: Report of the Division Engineer, dated January 28, 1982, at an estimated cost of \$5,000. Subsection (b) of this section shall not apply to the project.

**M McNARY LOCK AND DAM, WASHINGTON AND  
OREGON**

The project for McNary Lock and Dam, Second Powerhouse, Columbia River, Washington and Oregon, Phase I, General Design Memorandum: Report of the Chief of Engineers, dated June 24, 1981, at an estimated cost of \$600,000,000.

**BETHEL BANK STABILIZATION, ALASKA**

The project for bank stabilization, Bethel, Alaska: Report of the Chief of the Engineers, dated July 30, 1983, at an estimated cost of \$13,800,000, including such modifications as may be necessary to accommodate related work undertaken and carried out by non-Federal interests.

**KODIAK HARBOR, ALASKA**

The project for navigation, Kodiak Harbor, Alaska: Report of the Chief of Engineers, dated September 7, 1976, Senate Document Numbered 96-6, at an estimated cost of \$13,440,000.

**ST. PAUL ISLAND, ALASKA**

The project for navigation, St. Paul Island Harbor, Alaska: Report of the Board of Engineers for Rivers and Harbors, dated Janu-

ary 24, 1983, at an estimated cost of \$11,986,800, including such modifications as may be recommended by the Secretary with respect to such project under subsection (b) of this section. The cost sharing for the project shall be determined in accordance with section 105 of this Act.

(b) In the case of any project authorized by this section for which a final report of the Chief of Engineers has not been completed before the date of enactment of this Act, the Secretary shall, not later than one year after the date of enactment of this Act, transmit a copy of any final environmental impact statement required by section 102(2)(C) of the National Environmental Policy Act of 1969, and any recommendations of the Secretary, with respect to such project to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate. Except for funds appropriated to the Environmental Protection and Mitigation Fund pursuant to section 1104 of this Act, no appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, such project if such acquisition and actual construction have not been approved by resolution adopted by each such Committee.

(c) If any provision in any report designated by this title recommends that a State contribute in cash 5 per centum of the construction costs allocated to non-vendible project purposes and 10 per centum of the construction costs allocated to vendible project purposes, such provision shall not apply to the project recommended in such report.

SEC. 502. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Albert Lea Lake, Freeborn County, Minnesota, at full Federal expense and at an estimated cost of \$4,270,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 503. (a) The Secretary shall, after consultation with the advisory committee established under subsection (b), carry out a demonstration project for the development, operation, and maintenance of a recreation and greenbelt area on, and along the Des Moines River, Iowa, between the point at which the Des Moines River is intersected by United States Highway 20 to the point downstream at which relocated United States Highway 92 intersects the Des Moines River. Subject to subsections (b) and (c) of this section, such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities and streambank stabilization structures;

(2) the operation and maintenance of all structures constructed before the date of enactment of this Act (other than any such structure operated and maintained by any person under a permit or agreement with the Secretary) within the area described in the Des Moines Recreational River and Greenbelt Map and on file with the Committee on Public Works and Transportation of the House of Representatives; and

(3) such tree plantings, trails, vegetation, and wildlife protection and development



and other activities as will enhance the natural environment for recreational purposes.

(b)(1) The advisory committee referred to in subsection (a) shall be constituted as follows:

(A) five persons shall be appointed by the Governor of Iowa;

(B) two persons shall be appointed by their respective board of supervisors to represent each of Mahaska, Marion, Warren, Jasper, Polk, Dallas, Boone, and Webster Counties;

(C) one person shall be appointed by the mayor of the city of Des Moines and one additional person shall be appointed by the mayor of each other incorporated municipality within whose boundaries a portion of such recreation area lies; and

(D) three employees or officials of the Corps of Engineers shall be appointed by the Secretary.

(2) Each member of the advisory committee shall serve at the pleasure of the authority which appointed such member.

(3) No member of the advisory committee who is not an officer or employee of the United States shall receive compensation on account of his service on the committee or travel expenses or per diem in lieu of subsistence with respect to the performance of services for the committee. Members of such advisory committee who are officers or employees of the United States shall not receive additional compensation on account of their service on the committee.

(4) The advisory committee may elect such officers and spokesmen as it deems appropriate and may appoint such ad hoc committees of interested citizens as it deems appropriate to assist the committee in advising the Secretary.

(c) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the United States of the land or interests therein necessary for such purposes.

(d) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise land and interests therein, as the Secretary determines are necessary to carry out such project. If the Secretary purchases any land or interest therein from any State or local agency, he shall not pay more than the original cost paid by such State or local agency for such land or interest therein. No land or interest therein may be acquired by the United States to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any land or any interest therein which is not owned by the United States.

(e) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 per centum of the cost of the project.

(f) There is authorized to be appropriated to carry out this section \$6,000,000, for fiscal years beginning after September 30, 1984.

SEC. 504. The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Hereford Inlet to the Delaware Bay entrance to the Cape May Canal, New Jersey, substantially in accordance with the report of the Chief of Engineers, dated September 30, 1975, at an estimated cost of \$40,000,000. The Secretary may construct the beach erosion control, navigation, or storm protection features of the project separately or in combination with the other such features. The

non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 505. The Secretary is authorized to carry out the project for beach erosion control, navigation, and storm protection from Barnegat Inlet to Longport, New Jersey, substantially in accordance with the report of the Chief of Engineers dated October 24, 1975, except that such project shall also include construction of a fisherman walkway on top of a jetty as described in the report of the Chief of Engineers dated January 20, 1983, at an estimated total cost of \$57,200,000. The Secretary may construct the beach erosion control, navigation, or storm protection feature of the project separately or in combination with the other such features. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 506. The Secretary shall carry out a demonstration project for the removal of silt, aquatic growth, and other material in Lake George, Hobart, Indiana, and in that part of Deep River upstream of such lake through Lake Station, Indiana, and to construct silt traps or other devices to prevent and abate the deposit of sediment in Lake George and such part of Deep River, at full Federal expense and at an estimated cost of \$4,360,000.

SEC. 507. (a) The Secretary is authorized and directed to establish and conduct for a period of five years at multiple sites on the Ohio River and its tributaries a streambank erosion prevention and control demonstration program. The program shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

(2) conduct necessary research on the interaction of erodible boundaries with flowing water in order to more accurately predict the behavior and optimum design of protective works;

(3) define and test optimum designs of bed slopes and grade control structures for a wide range of soil and flow conditions;

(4) develop, field test, and evaluate new erosion protection products or methods, including but not limited to earth or rock-filled grids, reinforced earth bulkheads, stabilized matings for vegetation seeding, and patterned schemes using manufactured blocks in loose, matted, or interconnected configurations;

(5) develop and evaluate engineering techniques to control overbank drainage;

(6) identify and quantify economic losses occurring along the Ohio River and its tributaries due to streambank erosion; and

(7) construct demonstration projects, including bank protection works.

(b) For each demonstration project and streambank measure undertaken under subsection (a) of this section, the Secretary shall evaluate the environmental impacts of such project or measure with respect to both riverine and adjacent land-use values, with the view of minimizing environmental losses.

(c) Demonstration projects authorized by this section shall be undertaken to reflect a variety of geographical and environmental conditions, including naturally occurring erosion problems and erosion caused or incurred by man-made structures or activities. At a minimum, demonstration projects shall be conducted at sites on—

(1) that reach of the Ohio River between the Captain Anthony Meldahl Locks and Dam and the McAlpine Locks and Dam;

(2) the Licking River; and

(3) the Kanawha River in the vicinity of St. Albans, West Virginia.

(d) There is authorized to be appropriated not to exceed \$25,000,000 to carry out this section.

(e) The Secretary shall report to Congress each year on work undertaken pursuant to this section.

SEC. 508. The Secretary is authorized to construct, at full Federal expense, an elevated walkway on the Bird Island pier, located at the confluence of the Niagara River and Lake Erie, Buffalo, New York, in order to provide safe pedestrian access and prevent the loss of life, at an estimated cost of \$4,500,000.

SEC. 509. The Secretary is authorized and directed to implement at full Federal cost snagging and clearing and channel rectification measures along the Passaic, Pompton, Pequannock, and Ramapo Rivers, New Jersey, from Beatties Dam in Little Falls on the Passaic River upstream to the confluence of the Pompton River at Two Bridges, upstream along the Pompton River to and including the Pompton Feeder on the Pequannock and Ramapo Rivers, and upstream along the Ramapo River to the Pompton Lakes Dam, and along tributaries of such rivers (including Singac Brook and Weasel Brook), including the modification of such structures, flood proofing, and flood warning measures as determined necessary by the Chief of Engineers, at an estimated cost of \$25,000,000. None of the work authorized by this section shall affect the analysis of costs and benefits for projects presently being studied by the Secretary.

SEC. 510. The Secretary is authorized to replace the dike at the Small Boat Harbor, Buffalo Harbor, New York, at an estimated cost of \$6,140,000.

SEC. 511. The Secretary is authorized and directed to take such measures as may be necessary to correct erosion problems along the banks of the Red Lake River, Minnesota, approximately one and one-half miles west of Gentilly, Minnesota, adequate to protect the nearby highway and bridge, at an estimated cost \$300,000.

SEC. 512. The Secretary is authorized to perform intermittent dredging and such other work as may be required on the Yazoo River in Mississippi, from Greenwood south, to remove natural shoals as they occur, at an annual average cost of \$200,000, so as to allow commerce to continue. Responsible local interests shall agree to (1) provide without cost to the United States all lands, easements, and rights-of-way required for dredging and disposal of dredged materials; (2) accomplish without cost to the United States such alterations, relocations, and rearrangement of facilities as required for dredging and disposal of dredged materials; and (3) hold and save the United States free from damages due to the dredging and disposal of dredged materials.

SEC. 513. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and stumps from Greenwood Lake and Belcher Creek, New Jersey, at full Federal expense and at an estimated cost of \$10,000,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program

for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 514. (a) The Secretary shall take such action as may be necessary to remedy slope failures and erosion problems (1) along the banks of the Coosa River, Alabama, in order to protect the Fort Toulouse National Historic Landmark and Taskigi Indian Mound in Elmore County, Alabama, at an estimated cost of \$29,000,000, and (2) along the banks of the Black Warrior River, Alabama, in order to protect the Mound State Monument National Historic Landmark near Moundville, Alabama, at an estimated cost of \$4,620,000. Such actions shall be coordinated with the Secretary of the Interior and the State of Alabama.

(b) Prior to initiation of construction of the project authorized by subsection (a), appropriate non-Federal interests shall agree—

(1) to provide without cost to the United States all lands, easements, and rights-of-way necessary for construction and operation of the project;

(2) to hold and save the United States free from damage due to construction, operation, and maintenance of the project, not including damages due to the fault or negligence of the United States or its contractors;

(3) to accomplish without cost to the United States all modifications or relocations of existing sewerage and drainage facilities, buildings, utilities, and highways made necessary by construction of the project; and

(4) to maintain and operate all features of the project after completion, in accordance with regulations prescribed by the Secretary.

SEC. 515. The Secretary is authorized to undertake such measures as may be necessary to maintain the Larkspur Ferry Channel, Larkspur, California, at a depth sufficient for ferry boat service between Marin County and San Francisco, California, at an estimated cost of \$500,000.

SEC. 516. The Secretary is authorized to perform dredging in Weeks Bay, Vermilion Bay, and Southwest Pass, Louisiana, to a depth of 13 feet, as necessary to provide a water access route to the Gulf of Mexico from the Port of Iberia Commercial Canal through Weeks Bay, Vermilion Bay, and Southwest Pass, at an estimated cost of \$3,000,000.

SEC. 517. The Secretary is authorized to undertake in La Conner, Washington, such bank erosion control measures along the Swinomish Channel as the Secretary determines necessary to prevent damage to structures in the La Conner Historical District, at an estimated cost of \$1,177,000.

SEC. 518. The Secretary is authorized to acquire from willing sellers in a timely manner at fair market value 67,000 acres of land for mitigation of wildlife losses resulting from construction and operation of the project for the Tennessee-Tombigbee Waterway, Alabama and Mississippi. Such lands shall be in addition to, and not in lieu of, lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Of the lands acquired under this section, not less than 20,000 acres shall be acquired in the area of the Mobile-Tensaw River delta, Alabama, and not less than 25,000 acres shall be acquired in the areas of the Pascagoula River, the Pearl River, and the Mississippi River delta, Mississippi. Other lands acquired under this section may be acquired anywhere in the States of Alabama and Mississippi. The Secretary shall

select lands to be acquired under this section in consultation with appropriate State and Federal officials. Emphasis shall be placed on acquisition of lands which are predominantly flood plain forest. The States of Alabama and Mississippi shall provide for the management for wildlife purposes of lands acquired under this section and lands currently owned by the United States in the project area which are designated as wildlife mitigation lands for such project. Subject to such amounts as are provided in appropriation Acts, the Secretary shall reimburse such States for such management and initial development costs as specified in a plan for management of mitigation lands to be developed by the Secretary, the United States Fish and Wildlife Service, and the States of Alabama and Mississippi.

SEC. 519. The Secretary is authorized and directed to undertake a demonstration project for the removal of silt and aquatic growth from Sauk Lake and its tributary streams in the vicinity of Sauk Centre, Stearns County, Minnesota, at full Federal expense and at an estimated cost of \$2,000,000. The Secretary shall report to the Administrator of the Environmental Protection Agency the plans for and results of such project together with such recommendations as the Secretary determines necessary to carry out the program for freshwater lakes under section 314 of the Federal Water Pollution Control Act.

SEC. 520. The Secretary shall repair and rehabilitate the Muck Levee, Salt Creek, Logan County, Illinois, at an estimated cost of \$12,000,000.

SEC. 521. (a) The Secretary shall, after consultation with the Passaic River Restoration Steering Committee, carry out a demonstration project for bank stabilization and development, operation, and maintenance of a recreation and greenbelt area on public properties on, and along the east bank of the Passaic River, New Jersey, from Dundee Dam to Kearney Point. Such project shall include, but not be limited to—

(1) the construction, operation, and maintenance of recreational facilities (including, but not limited to, a multipurpose pathway described in the Passaic River Restoration Master Plan) and streambank stabilization structures;

(2) terraforming; and

(3) such tree plantings, vegetation and wildlife protection and development, and other activities as will enhance the natural environment for recreational purposes.

(b) The construction and maintenance of structures and plant and husbandry activities referred to in subsection (a) of this section shall be conditioned upon the ownership by the public of the land or interest therein necessary for such purposes. The operation and maintenance of such structures and activities shall be undertaken by the counties or cities owning the lands on which such structures are to be located or on which such activities are to be carried out.

(c) In carrying out the project described in subsection (a) of this section, the Secretary may acquire by purchase, donation, exchange, or otherwise, lands and interests therein as the Secretary and the Passaic River Restoration Steering Committee determine are necessary to carry out such project. No lands or interests therein may be acquired by the United States or any State or local government to carry out such project without the consent of the owner, and nothing herein shall constitute an additional restriction on the use of any lands or

interests therein which is not owned by the United States or a State or local government.

(d) Notwithstanding any other provision of law, the Federal share of the project to be carried out pursuant to this section shall be 100 percent of the cost of the project. There is authorized to be appropriated to carry out this section \$10,000,000 for fiscal years beginning after September 30, 1984.

SEC. 522. The Secretary is authorized and directed to undertake a project for bank erosion control on the Rillito River in the vicinity of Tucson, Arizona, for the purpose of providing protection against the level of flooding that occurred in October 1983, at an estimated cost of \$41,900,000.

SEC. 523. The Secretary is authorized to undertake such measures as the Secretary determines necessary to reduce or prevent erosion of bluffs along Pebble Beach Drive, Crescent City, California, at an estimated cost of \$2,000,000.

SEC. 524. The Secretary is authorized and directed to provide protection against stream bank erosion on the Little River in the vicinity of the Highway 41 bridge, Horatio, Arkansas, at an estimated cost of \$500,000.

SEC. 525. The Secretary is authorized to take such measures as may be necessary to maintain a harbor of refuge in Swan Creek, Newport, Michigan. Non-Federal interests shall provide a public wharf and such other facilities as may be necessary for a harbor of refuge which shall be open to all on equal terms and such other requirements as the Secretary deems necessary.

SEC. 526. (a) The Secretary is authorized to construct such bank stabilization measures as the Secretary determines necessary for flood damage prevention and erosion control along approximately 3,000 feet of Caney Creek in the vicinity of Jackson, Mississippi, between McDowell Road and Raymond Road, at an estimated cost of \$1,250,000.

(b) The Secretary shall complete his study of flood and soil erosion problems along Caney Creek and its tributaries in the vicinity of Jackson, Mississippi. For purposes of analyzing cost and benefits of any project recommended by the Secretary as a result of such study, the Secretary shall take into account the cost and benefits of measures undertaken pursuant to subsection (a).

SEC. 527. The Secretary shall undertake a demonstration project for the removal of silt and stumps from, and the control of pollution from nonpoint sources in, Deal Lake, Monmouth County, New Jersey, at an estimated cost of \$8,000,000. Upon completion of the demonstration project, the Secretary shall submit a report of such project, along with recommendations for further measures to improve the water quality of Deal Lake, to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

SEC. 528. Notwithstanding any other provision of law, the Secretary shall transfer to New Hanover County, North Carolina, its successors or assigns, without consideration, all right, title, and interest of the United States to a surplus dredging vessel (known as the "Hyde hopper dredge") in Wilmington, North Carolina, if such county agrees in writing to utilize such vessel only for the purpose of establishing an artificial fish habitat at no cost to the United States.

SEC. 529. The Secretary is authorized to lease approximately 109 acres in tracts I-908 and I-909 in Wilson County, Tennessee, ac-



quired by the United States for the Old Hickory Lock and Reservoir project, Tennessee, to the Wilson County Youth Ranch, a nonprofit organization in Wilson County, Tennessee, for use in providing residential and other facilities for children.

SEC. 530. (a) The Secretary is authorized and directed to establish and conduct for a period of five years at multiple sites on the Platte River and its tributaries in Nebraska a demonstration program consisting of projects for flood control and streambank erosion prevention. The program shall have as its objectives the protection of property, environmental enhancement, and social well-being.

(b) Flood control projects carried out under this section shall include projects for the construction, operation, and maintenance of flood damage reduction measures, including but not limited to bank protection and stabilization works, embankments, clearing, snagging, dredging, and all other appropriate flood control measures, and shall also include recreational facilities deemed appropriate by the Secretary. Such projects shall be carried out substantially in accordance with the plan of action of the Chief of Engineers dated February 6, 1984, and with the Platte River and Tributaries, Nebraska, study of 1978 and the Platte River Basin, Nebraska, Level B Study of 1976.

(c) In carrying out any streambank erosion prevention project under this section, the Secretary shall—

(1) identify streambank erosion measures likely to provide the highest degree of protection technically and economically feasible for both high and low flow conditions;

(2) conduct necessary research on the interaction of erodible boundaries with flowing water in order to more accurately predict the behavior and optimum design of protective works;

(3) define and test optimum designs of bed slope and grade control structures for a wide range of soil and flow conditions;

(4) develop, field test, and evaluate new erosion protection products or methods, including but not limited to earth or rock-filled grids, reinforced earth bulkheads, stabilized matings for vegetation seeding, patterned schemes using manufactured blocks in loose, matted, or interconnected configurations, and any other appropriate techniques recommended under section 32 of the Water Resources Development Act of 1974;

(5) develop and evaluate engineering techniques to control overbank drainage; and

(6) identify and quantify economic losses occurring along the Platte River and its tributaries due to streambank erosion.

(d) For each demonstration project under this section, the Secretary shall evaluate the environmental impacts of such project with respect to both riverine and adjacent land-use values, with the view of enhancing wildlife and wildlife habitat as a major purpose coequal with all other purposes and objectives, and with the view of minimizing environmental losses.

(e) Demonstration projects authorized by this section shall be undertaken to reflect a variety of geographical and environmental conditions, including naturally occurring erosion problems and erosion caused or incurred by man-made structures or activities. At a minimum, demonstration projects shall be conducted at sites on—

(1) that reach of the Platte River between Hershey, Nebraska, and the boundary between Lincoln and Dawson Counties, Nebraska; and

(2) that reach of the Platte River from the boundary between Colfax and Dodge Counties, Nebraska, to its confluence with the Missouri River and that portion of the Elkhorn River from the boundary between Antelope and Madison Counties, Nebraska, to its confluence with the Platte River.

(f) The Secretary shall condition the construction, operation, and maintenance of any project under this section upon the availability to the United States of such land and interests in land as he deems necessary to carry out such project and to protect and enhance the river in accordance with the purposes of this section. Lands and interests in land for any project under this section shall not be acquired without the consent of the owner, except that not to exceed five percent of the lands acquired for such a project may be acquired in less than fee title without the consent of the owner if determined necessary by the Secretary because of flooding or streambank erosion problems causing or threatening to cause serious damage in the Platte River Basin.

(g) The Secretary shall establish a Platte River Advisory Group consisting of representatives of the State of Nebraska and political subdivisions thereof, affected Federal agencies, and such private organizations as the Secretary deems desirable. Projects under this section shall be carried out in coordination and consultation with such Advisory Group.

(h)(1) Except as provided in paragraph (2), projects carried out under this section shall be at full Federal expense.

(2) Prior to construction of any project under this section, non-Federal interests shall agree that they will provide without cost to the United States lands, easements, and rights-of-way necessary for construction, operation, and maintenance of such project; hold and save the United States free from damages due to construction, operation, and maintenance of such project; and share equally in the costs required to operate and maintain such project.

(i) There is authorized to be appropriated for fiscal years beginning after September 30, 1984, not to exceed \$25,000,000 to carry out this section.

(j) The Secretary shall report to Congress each year of the demonstration program under this section on work undertaken pursuant to such program.

(k) The Congress finds that the benefits for national economic development, regional development, social well-being, and environmental quality exceed the costs of the projects authorized by this section.

SEC. 531. (a) The Secretary, in consultation with the Soil Conservation Service of the Department of Agriculture, the United States Geological Survey and the Office of Surface Mining of the Department of the Interior, the State of Ohio, and other appropriate Federal and non-Federal agencies, shall study the flooding problems in the Wheeling Creek Watershed, Ohio, and measures to prevent or reduce such flooding, including control of erosion of coal mine areas to reduce deposition of sediments in Wheeling Creek, removal of sediment deposits in Wheeling Creek, and other measures deemed appropriate by the Secretary. Not later than two years after the date of enactment of this Act, the Secretary shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study together with recommendations taking into consider-

ation the objectives set forth in section 1101 of this Act.

(b) The Secretary is authorized to undertake interim emergency flood control measures, including the removal of sediment deposits from Wheeling Creek and other measures deemed appropriate by the Secretary, to reduce flood damage in the vicinity of Goosetown, Wolfhurst, Barton, Crescent, Maynard, Blainsville, Fairpointe, Crabapple, and Lafferty, Ohio. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of the study authorized by subsection (a) of this section, the Secretary shall take into account the costs and benefits of measures undertaken pursuant to this subsection.

(c) There is authorized to be appropriated to carry out the provisions of subsection (b) of this section not to exceed \$7,000,000.

SEC. 532. The Secretary shall maintain the navigation project for Wilson Harbor, Wilson, New York, to its authorized dimensions.

SEC. 533. The Secretary shall maintain the navigation project for Oak Orchard Harbor, Carlton, New York, to its authorized dimensions.

SEC. 534. The Secretary is authorized to construct a project for flood protection along Five Mile Creek, Dallas, Texas, including dredging of a channel at the lower end of such creek and developing a retention structure at the upper end of such creek, at an estimated cost of \$7,100,000.

#### PART VI—WATER RESOURCES STUDIES

SEC. 601. The Secretary is authorized and directed to prepare and submit to Congress feasibility reports on the following water resources projects at the following locations:

Illinois River in the vicinity of Hardin, Illinois, to recommend remedial measures for bank stabilization.

Kinnickinnic River, Milwaukee County, Wisconsin, for flood control and allied purposes.

SEC. 602. The Secretary is authorized and directed to undertake the detailed engineering and design for a flood control project at Milton, Pennsylvania, including, but not limited to, final construction plans at a cost not to exceed \$2,500,000.

SEC. 603. The Secretary is hereby authorized and directed to make studies in cooperation with the Secretary of the Interior and the governments of Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands for the purposes of providing plans for the development, utilization, and conservation of water and related land resources of such jurisdiction, at an estimated cost of \$2,000,000 for each of the four studies. Such studies shall include appropriate consideration of the needs for flood protection, wise use of flood plain lands, navigation facilities, hydroelectric power generation, regional water supply and waste water management facilities systems, general recreation facilities, enhancement and control of water quality, enhancement and conservation of fish and wildlife, and other measures for environmental enhancement, economic and human resources development. Such studies shall be compatible with comprehensive development plans formulated by local planning agencies and other interested Federal agencies.

SEC. 604. (a) The Secretary shall make a study of the possibility of rehabilitating the hydroelectric potential at former industrial sites, millraces, and similar types of facilities already constructed and of the possibi-

ty of converting such sites for use as new, small hydroelectric projects. The Secretary shall also provide technical assistance to local public agencies and cooperatives in any such rehabilitation at sites studied or qualified for study under this section.

(b) There is authorized to be appropriated to carry out this section, \$5,000,000 per fiscal year for the fiscal years ending September 30, 1985, September 30, 1986, and September 30, 1987.

Sec. 605. (a) The Secretary shall investigate and study the feasibility of utilizing the capabilities of the United States Army Corps of Engineers to conserve fish and wildlife (including their habitats) where such fish and wildlife are indigenous to the United States, its possessions, or its territories. The scope of such study shall include the use of engineering or construction capabilities to create alternative habitats, or to improve, enlarge, develop, or otherwise beneficially modify existing habitats of such fish and wildlife. The study shall be conducted in consultation with the Director of the Fish and Wildlife Service of the Department of the Interior, the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration, and the Administrator of the Environmental Protection Agency, and shall be transmitted, within the 30-month period beginning on the date of enactment of this Act, by the Secretary to Congress, together with the findings, conclusions, and recommendations of the Chief of Engineers. The Secretary, in consultation with the Federal officers referred to in the preceding sentence, shall undertake a continuing review of the matters covered in the study and shall transmit to Congress, on a biennial basis, any revisions to the study that may be required as a result of the review, together with the findings, conclusions, and recommendations of the Chief of Engineers.

(b) The Secretary is further authorized to conduct demonstration projects of alternative or beneficially modified habitats for fish and wildlife, including but not limited to man-made reefs for fish. There is authorized to be appropriated not to exceed \$10,000,000 to carry out such demonstration projects. Such projects shall be developed, and their effectiveness evaluated, in consultation with the Director of the Fish and Wildlife Service and the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration. One of such demonstration projects shall be the construction of a reef for fish habitat in Lake Erie in the vicinity of Buffalo, New York, one of such projects shall be the construction of a reef for fish habitat in the Atlantic Ocean in the vicinity of Fort Lauderdale, Florida, and one of such projects shall be the construction of a reef for fish habitat in Lake Ontario in the vicinity of the town of Newfane, New York.

Sec. 606. The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to make a nationwide study and appraisal of the nature and scope of the Nation's flood problems and the effectiveness of existing programs, both structural and nonstructural, in reducing losses from floods, at an estimated cost of \$5,000,000, and to report thereon to Congress within three years with recommendations on proposed modifications to existing laws and policies to improve the overall effectiveness of the nationwide efforts to reduce such losses. In the conduct of this study particular attention should be given to flood problems existing in highly devel-

oped urban watersheds and their relationships to local storm drainage and pollution control measures.

Sec. 607. Section 142 of the Water Resources Development Act of 1976 (Public Law 94-587) is amended by inserting immediately after "Napa," the following: "San Francisco, Marin,".

Sec. 608. The Secretary, in consultation with appropriate Federal, State, and local agencies, shall determine the extent of shoreline erosion damage in the United States causally related to the regulation of the waters of Lake Superior by the International Joint Commission—United States and Canada, in response to an emergency application by the United States made on January 26, 1973. The Secretary shall report to Congress, not later than the end of the fiscal year following the fiscal year for which the initial appropriation is made to carry out this section, the results of such survey, together with recommendations of a methodology for, and a determination of, the costs of indemnifying individual shoreline property owners, and a recommended schedule for such indemnification. There is authorized to be appropriated to carry out this section not to exceed \$2,130,000.

Sec. 609. The Secretary shall study the feasibility of requiring, in the interest of safety, each boat loading facility which is or has been built only after authorization by the Secretary under section 10 of the Act of March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403), to display sufficient lighting from sunset to sunrise to make such facility's presence known within a reasonable distance. The Secretary shall transmit a report of such study, including recommendations to the Congress not later than September 30, 1985.

Sec. 610. (a) Not later than two years after the date of enactment of this Act, the Secretary shall prepare and submit to Congress an estimate of the long-range capital investment needs for water resources programs under the jurisdiction of the Secretary, including, but not limited to, deep-draft ports, inland waterway transportation, flood control, municipal and industrial water supply, and hydroelectric power and recreation and fish and wildlife conservation and enhancement associated with such programs.

(b) The estimate prepared under this section shall include, but not be limited to—

(1) an estimate of the current service levels of public capital investments and alternative high and low levels of such investments over a period of ten years in current dollars and over a period of five years in constant dollars;

(2) capital investment needs in each major program area over a period of ten years;

(3) an identification and analysis of the principal policy issues that affect estimated capital investment needs;

(4) an identification and analysis of factors that affect estimated capital investment needs including but not limited to the following factors:

(A) economic assumptions;

(B) engineering standards;

(C) estimates of spending for operation and maintenance;

(D) estimates of expenditures for similar investments by State and local governments;

(E) estimates of demand and need for public services derived from such capital investments and estimates of the service capacity of such investments; and

(F) the effects of delays in planning and implementation of water resources projects on the capital investment costs of water re-

sources programs, including increased costs associated with interest rates and inflation; and

(5) a description of the economic, social, and environmental benefits realized from past investments and expected to be realized from future investments, including the protection of life and property.

Sec. 611. The Secretary is directed to expedite completion of the study of New York Harbor and Adjacent Channels, New York and New Jersey, authorized by a resolution of the Committee on Environment and Public Works of the Senate, dated December 15, 1980, and to submit a report to Congress on the results of such study not later than October 1, 1985.

Sec. 612. The Secretary is authorized to study the feasibility of identifying the amounts, types, and locations of flood control benefits produced by reservoir projects and of requiring non-Federal participation in such projects in proportion to the benefits received from such projects. The Secretary shall transmit a report on the results of such study together with recommendations to Congress not later than two years after the date of enactment of this Act.

Sec. 613. (a) The Secretary shall study and monitor the extent and adverse environmental effects of dioxin contamination in the Passaic River-Newark Bay navigation system.

(b) Not later than one year after the date of enactment of this Act, the Secretary shall transmit a report on the results of such study and monitoring along with any recommendations of the Secretary concerning methods of reducing the effects of such contamination to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

Sec. 614. Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a list of water resources studies which have been authorized before the date of enactment of this Act and for which no report has been transmitted to the Congress. For each such study the Secretary shall include the following information:

(1) the date of authorization and the manner in which the study was authorized;

(2) a description of the purposes of the study;

(3) a description of funding that has been made available for the study;

(4) a description of any work that has been performed in carrying out the study; and

(5) a description of any work that remains to be done in carrying out the study and the time necessary for and estimated cost of completing such work.

For each such study the Secretary shall make a recommendation as to whether the study should continue to be authorized.

Sec. 615. (a) The Secretary shall prepare and submit the annual report required by section 8 of the Act of August 11, 1888, in two volumes. Volume I shall consist of a summary and highlights of Corps of Engineers' activities, authorities and accomplishments. Volume II shall consist of detailed information and field reports on Corps of Engineers' activities.

(b) The Secretary shall prepare biennially for public information a report for each State containing a description of each water resources project under the jurisdiction of the Secretary in such State and the status of each such project. The report for each



State shall be prepared in a separate volume.

SEC. 616. The Secretary is authorized and directed to undertake a study of the feasibility of navigation improvements at Saginaw Bay and Saginaw River, Michigan, including channel widening and deepening. The Secretary shall submit the feasibility report on such study to the Congress not later than September 30, 1985.

SEC. 617. The Secretary is authorized to study the feasibility of constructing shoreline erosion mitigation measures along the Rancho Palos Verdes coastline, California, for the purpose of providing additional stabilization for the Portuguese Bend landslide area. The Secretary shall submit the feasibility report on such study to the Congress not later than two years after the date of enactment of this Act.

SEC. 618. The Secretary is directed to expedite completion of the study of the navigation project for Sunset Harbor, California, at an estimated cost of \$820,000, and to submit a report to the Congress on the results of such study not later than October 1, 1985. The study shall include a determination of the feasibility of recovery of Federal project costs through Federal participation in the local economic benefits created by the construction and operation of the project.

SEC. 619. In order to determine the advisability of specific measures to diminish shoreline erosion, marsh deterioration, salt water intrusion, hurricane vulnerability, and barrier island destruction and to carry out reasonable planning efforts that require suitable sediment for nourishment, the Secretary is authorized to conduct a nearshore sediment inventory to determine availability of suitable sediment in the offshore waters of Louisiana between Southwest Pass and Sabine Pass and in Lake Pontchartrain and in Lake Borgne, at a cost not to exceed \$2,000,000.

SEC. 620. The Secretary is authorized to undertake a study of the feasibility of opening a channel between Jamaica Bay and Reynolds Channel, Long Island, New York, for the purpose of water quality improvement. The Secretary shall report the results of such study to Congress not later than one year after the date of enactment of this Act.

SEC. 621. The Secretary shall study land acquisition policies applicable to water resources projects carried out by the Secretary, including, among other things, an analysis of the acquisition policies of mineral rights in connection with such projects. Such study shall also include a complete detailed report on (1) the acquisition policies and procedures utilized by the Secretary in the acquisition of mineral rights at the water resources project for Lake Somerville, Texas, authorized by the Flood Control Act of June 28, 1938, and (2) the acquisition policies and procedures followed in permitting reservoir lands to be used for mineral exploration and development subsequent to construction of such project. Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of such study along with such recommendations as the Secretary may have for modifications of such land acquisition policies.

SEC. 622. No Federal agency shall study or participate in the study of any regional or river basin plan or any plan for any Federal

water and related land resource project which has as its objective the transfer of water from the Columbia River Basin, or the Arkansas River Basin, to any other region or any other major river basin of the United States, unless such study is approved by the Governors of all affected States.

SEC. 623. The Secretary shall immediately investigate erosion problems on the southern bank of the Black Warrior-Tombigbee River from river mile 253 to river mile 255. Not later than six months after the date of enactment of this Act, the Secretary shall report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations for measures to alleviate such erosion problems.

SEC. 624. The Secretary is authorized to conduct a study of the feasibility of developing measures to control storm water runoff on a watershed basis. Such study shall include, among other things, a review of existing drainage codes, State statutes, and Federal programs relating to prevention of drainage soil erosion and flooding. Not later than two years after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate on the results of such investigation along with recommendations concerning development of such measures.

SEC. 625. The Secretary is authorized and directed to conduct a study (1) to analyze the differences among Corps districts and Corps divisions regarding boundary delineation and fencing practices, (2) to analyze the cost of fencing activities and the relationship of such cost to the benefits derived from such activities, and (3) to analyze the need for providing, to the greatest extent practicable and consistent with authorized project purposes, access of the project area to the general public for recreational purposes. The Secretary shall submit a report on the results of such study to Congress not later than one year after the date of the enactment of this Act.

SEC. 626. The Secretary is authorized and directed to complete a study of the Army Corps of Engineers project evaluation and selection criteria identifying all factors which create a disproportionate burden adverse to the selection of flood control or other projects under the Secretary's authority in rural areas and in areas with greater percentages of low-income individuals. Within one year of the date of the enactment of this Act the Secretary shall transmit a report to Congress on the results of such study together with specific recommendations for changes in the selection criteria that would effectively eliminate any bias against projects in such areas.

SEC. 627. The Secretary is authorized and directed to study the eradication and control of hydrilla in the Potomac River and to develop an effective plan of action for such eradication and control. Not later than September 30, 1985, the Secretary shall submit to Congress a report on the results of such study together with the plan of action which the Secretary recommends and an estimate of the cost of implementing such plan.

#### PART VII—PROJECT MODIFICATIONS

SEC. 701. The navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia, authorized by section 101 of the

River and Harbor Act of 1962 (76 Stat. 1173, 1174) is hereby modified to provide that the United States shall pay for the remedial work to Long Creek Canal which the city of Virginia Beach, Virginia, was required to carry out as a result of such navigation project, at a cost not to exceed \$1,660,000.

SEC. 702. The project for navigation on the Southern Branch of Elizabeth River, Virginia, authorized by resolutions of the Senate and House Public Works Committees, dated October 1, 1976, and September 23, 1976, respectively, under the provisions of section 201 of Public Law 89-298, is hereby modified to delete the requirement that local interests contribute in cash for land enhancement benefits 2.4 per centum of the construction cost, including engineering and design and supervision and administration thereof, of all work to be provided by the Corps of Engineers.

SEC. 703. The general comprehensive plan for flood control and other purposes in the Ohio River Basin authorized by the Flood Control Act approved June 28, 1938, is hereby modified to authorize the Secretary to reconstruct and repair the Cherry Street bridge and the Walnut Street bridge, Massillon, Ohio, at an estimated cost of \$2,100,000. Non-Federal interests shall own, operate, and, upon completion of the work authorized by this section, maintain such bridges in accordance with the requirements of the Flood Control Act approved June 28, 1938.

SEC. 704. The navigation project at Mamaroneck Harbor, New York, authorized by the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved September 22, 1922 (42 Stat. 1038), the first section of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved August 30, 1935 (49 Stat. 1029), and section 101 of the Rivers and Harbors Act of 1960 (74 Stat. 480) is hereby modified to provide that the Federal share of the additional cost of disposing in ocean waters dredged material resulting from dredging necessary to maintain the project, above the cost of disposing of such dredged material on land, shall be 80 per centum.

SEC. 705. The hurricane-flood protection project for Lake Pontchartrain, Louisiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298) is hereby modified to provide that the Secretary is authorized to construct features, such as a flood wall with sluice gates or other means, at an estimated cost of \$3,500,000, to insure that, by the most economical means, the level of protection within Jefferson Parish provided by the hurricane-flood protection project will be unimpaired as the result of any pumping station constructed by local interests. Requirements for non-Federal cooperation for the additional work authorized by this section shall be on the same basis as levee improvements for hurricane-flood protection on this project.

SEC. 706. The project for Reelfoot Lake, Lake numbered 9, Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that operation of the pumping plant

feature of such project shall be the responsibility of the United States.

Sec. 707. The Yaquina Bay and Harbor project, Oregon, authorized by the River and Harbor Act approved March 2, 1919, is modified to authorize the Secretary to raise the south jetty to protect vehicular access which was provided at non-Federal cost and to protect public use areas on accreted land adjacent to the south jetty, from damaging effects of overtopping of the jetty, on condition that local interests provide the necessary lands, easements, and rights-of-way for such modification. The estimated Federal construction cost of this modification is \$2,200,000.

Sec. 708. The project for flood control and other purposes on the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175) is hereby modified to authorize the Secretary, upon request of and in coordination with the Colorado Department of Natural Resources and upon the Chief of Engineers' finding of feasibility and economic justification, to reassign a portion of the storage space in the Chatfield Lake project to joint flood control-conservation purposes, including storage for municipal and industrial water supply, agriculture, and recreation and fishery habitat protection and enhancement. Appropriate non-Federal interests shall agree to repay the cost allocated to such storage in accordance with the provisions of the Water Supply Act of 1958, the Federal Water Project Recreation Act, and such other Federal laws as the Chief of Engineers determines appropriate.

Sec. 709. The project for flood protection on the Sacramento River, California, authorized by the Flood Control Act approved March 1, 1917, as amended, is hereby further modified to authorize the Secretary to construct bank protection works along the reach of the Sacramento River and its tributaries from Red Bluff to Shasta Dam, and from Chico Landing downstream along each bank to the head of the Sacramento River flood control project levees, subject to the same requirements of non-Federal cooperation applicable to other similar elements of the project, and to include mitigation of fish and wildlife losses induced by the project. The evaluation and justification of the project shall be based on the overall benefits and costs of all project elements. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$25,000,000 to carry out the purposes of this section.

Sec. 710. The project for King Harbor, Redondo Beach, California, authorized in the River and Harbor Act of 1950, is hereby modified to provide that all costs of the dredging and maintenance of such project shall be borne by the United States and that the Secretary shall restore the breakwaters to a height of 22 feet and maintain the breakwaters at such height. The Secretary is authorized to study the need for and feasibility of raising the breakwater to a height greater than 22 feet. Not later than two years after the date of enactment of this Act, the Secretary shall make a report of such study with recommendations to the Congress.

Sec. 711. The plan for the harbor improvement at Honolulu Harbor, Oahu, Hawaii, authorized by section 301 of the River and Harbor Act of 1965 (79 Stat. 1092) is hereby modified to delete the requirement that local interests contribute in cash, prior to initiation of construction, a lump sum amounting to 2.6 per centum of the estimated

first cost of the general navigation facilities for the project, ascribed to land enhancement through disposition of dredged material.

Sec. 712. (a) The navigation project for Santa Cruz Harbor, Santa Cruz, California, authorized in section 101 of the River and Harbor Act of 1958 (Public Law 85-500) is hereby modified to provide that the United States shall reimburse the non-Federal interests for 80 per centum of the cost of acquiring and installing the sand bypassing facility authorized as part of such project, at an estimated cost of \$36,000,000, and that none of the costs of operating and maintaining such facility or of any maintenance dredging in such harbor shall be paid by the United States. Such project is also modified to authorize the Secretary to seal the east jetty of such harbor to prevent sand from passing through.

(b) The Secretary shall study the long-term solutions to the shoaling problems in Santa Cruz Harbor and shall report the results of such study, along with recommendations, to the Congress upon completion of such study. There is authorized to be appropriated \$600,000 for fiscal years beginning after September 30, 1984, to carry out this subsection.

Sec. 713. The project for the mouth of the Colorado River, Texas, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the diversion channel authorized as a part of such project to divert Colorado River flows into Matagorda Bay shall be constructed and maintained entirely at Federal expense and for the purpose of fish and wildlife enhancement, at an estimated additional construction cost of \$425,000. The benefits attributable to the diversion channel shall be deemed to be at least equal its costs.

Sec. 714. The project for the town of Niobrara, Nebraska, authorized by section 213 of the Flood Control Act of 1970 (84 Stat. 1824, 1829) is hereby modified to authorize and direct the Secretary to relocate existing Nebraska Highway Numbered 12 through the relocated town of Niobrara, Nebraska, with necessary connections to Nebraska Highway Numbered 14, at an estimated cost of \$1,600,000.

Sec. 715. The comprehensive plan for the development of the water resources of the Alabama-Coosa River and tributaries, authorized by section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 10), as modified by Public Law 83-436, approved June 29, 1954 (68 Stat. 302), is further modified as follows: the plan for the Coosa River segment of the waterway between Montgomery and Gadsden, Alabama, is hereby modified generally in accordance with the plans contained in the report of the District Engineer, Mobile District, entitled "Montgomery to Gadsden, Coosa River Channel, Alabama, Design Memorandum No. 1, General Design", dated May 1982, subject to such modification thereof from time to time as the Secretary may deem advisable. The interest rate to be used in determining benefits and costs of the modified project shall continue to be that rate which is applicable to the project as originally authorized.

Sec. 716. (a) The LaFarge Dam project for flood control and allied purposes for the Kickapoo River, Wisconsin, authorized by the Flood Control Act of 1962, is hereby modified to authorize and direct the Secretary to construct as soon as possible and with available funds, the flood control levee, channel improvement, and interior drainage

facilities for Gays Mills, Wisconsin, substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 450, Eighty-seventh Congress, at an estimated cost of \$4,000,000. The project features authorized by this section may be funded under section 205 of the Flood Control Act of 1948, as amended. Benefits and costs resulting from construction of such project features shall continue to be included for purposes of determining the economic feasibility of completing the partially constructed LaFarge Dam.

(b) The Secretary is authorized and directed to complete as soon as possible a reconnaissance study under section 205 of the Flood Control Act of 1948 with respect to such structural and nonstructural measures as the Secretary determines are necessary and appropriate to prevent flood damage in the vicinity of Viola, Wisconsin.

Sec. 717. The project for flood control in East Saint Louis and vicinity, Illinois, authorized by section 204 of the Flood Control Act of 1965, is hereby modified to authorize the Secretary to provide drainage channels in conjunction with the pumping plant to improve project effectiveness and the local environment, substantially in accordance with the report of the District Engineer, Saint Louis district, entitled "Reevaluation Report, Bluewaters Ditch area", dated September 1976, at an estimated additional cost of \$1,130,000.

Sec. 718. The project for flood protection at Winona, Minnesota, authorized under the provisions of section 201 of the Flood Control Act of 1965, is hereby modified to provide that changes to two bridges within the limits of the city of Winona, Minnesota, made necessary by the project and its present plan of protection, shall be accomplished entirely at Federal expense, at an estimated cost of \$630,000.

Sec. 719. The project for flood control, Wenatchee, Washington, Canyons 1 and 2, authorized by resolution of the Committees on Public Works of the House of Representatives and Senate on December 15 and 17, 1970, respectively, is hereby modified, notwithstanding any other provision of law (including section 302 of this Act), to authorize the Secretary to acquire lands, easements, and rights-of-way and to make relocations for such project on condition that local interests enter into a legally binding agreement before construction to reimburse the United States for the non-Federal share of the cost of such project, including interest on the unpaid balance, in not more than fifty equal annual installments. The non-Federal share of the cost of such project shall be determined under such section 302. The rate of interest on the unpaid balance shall be that specified in section 301(b) of the Water Supply Act of 1958 (Public Law 85-500).

Sec. 720. The project for replacement of locks and dam 26, Mississippi River, Alton, Illinois and Missouri, authorized by section 102 of the Act of October 21, 1978 (Public Law 95-502), is modified to provide for the repair of the Red School House County Road, St. Charles County, Missouri, to such standard as the Secretary determines reasonable, but in no event to a standard less than the minimum standard required by such county.

Sec. 721. (a) Subsection (a) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and thereafter to maintain



such channel free of such trees, roots, silt, debris, and objects."

(b) Subsection (b) of section 66 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at end thereof the following new sentence: "Non-Federal interests shall pay 25 per centum of the cost of maintaining the channel free of such trees, roots, silt, debris, and objects."

SEC. 722. Subsection (a) of section 92 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended—

(1) by inserting "(1)" immediately after "(a)";

(2) in the third sentence thereof, by striking out "Each installment" and inserting in lieu thereof "Except as provided in paragraph (2) of this subsection, each installment"; and

(3) by adding at the end thereof the following new paragraph:

"(2) The Secretary of the Army, acting through the Chief of Engineers, shall, upon the request of Saint Bernard Parish, Louisiana, modify the agreement entered into between the Secretary and Saint Bernard Parish pursuant to this section so that each installment to be paid by Saint Bernard Parish as its part of the non-Federal share of the cost of the hurricane-flood protection project on Lake Pontchartrain, Louisiana, shall be one-fiftieth of the remaining unpaid balance as set forth in such agreement plus interest on such balance, and the total of such installments shall be sufficient to achieve full payment of such balance, plus interest, within fifty years of the initiation of project construction."

SEC. 723. The second sentence of subsection (b) of section 116 of the River and Harbor Act of 1970 (84 Stat. 1822) is amended to read as follows: "The Secretary of the Army, acting through the Chief of Engineers, shall, before beginning any operation to maintain the channel authorized by this section, enter into a separate agreement with the appropriate non-Federal interests which is applicable only to that operation and which requires such non-Federal interests to pay 25 per centum of the cost of such maintenance operation."

SEC. 724. The second paragraph under the center heading "BRAZOS RIVER BASIN" in section 10 of the Flood Control Act of 1946 (60 Stat. 649), is amended by inserting "or water supply" after "irrigation".

SEC. 725. The project for navigation at Houston Ship Channel (Greens Bayou), Texas, authorized under section 301 of the River and Harbor Act of 1965 (79 Stat. 1091) is hereby modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a forty-foot project depth in that section of Greens Bayou from mile 0 to mile 0.34 as described in House Document Numbered 257, Eighty-ninth Congress.

SEC. 726. The Secretary is authorized to modify any water resources development project for mitigation of damages to fish and wildlife if the estimated cost of such modification does not exceed 10 per centum of the estimated total cost of such project or \$7,500,000, whichever is the lesser. No appropriation shall be made for any such modification of a project if such modification has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. For the purpose of securing consideration of such approval, the Secretary shall transmit

to Congress a report of such modification, including all relevant data and all costs.

SEC. 727. (a) Bank protection activities conducted under the Rio Grande bank protection project pursuant to the First Deficiency Appropriation Act, 1945, approved April 25, 1945 (59 Stat. 89), may be undertaken in Starr County, Texas, notwithstanding any provision of such Act establishing the counties in which such bank protection activities may be undertaken, at an estimated cost of \$700,000.

(b) Any bank protection activity undertaken in Starr County, Texas, pursuant to subsection (a) of this section shall be—

(1) in accordance with such specifications as may be prepared for such purpose by the International Boundary and Water Commission, United States and Mexico; and

(2) except as provided in subsection (a), subject to the terms and conditions generally applicable to activities conducted under the Rio Grande bank protection project.

SEC. 728. The project for the Anacostia River and tributaries, District of Columbia and Maryland, approved under authority of section 205 of the Flood Control Act of 1948, is hereby modified to authorize the Secretary to prevent damage to the project caused by the one hundred-year flood, including, but not limited to, replacing riprap, removing sediment deposits, shaping and sodding slopes, and seeding, at an estimated cost of \$4,400,000.

SEC. 729. The navigation project for Yazoo River, Mississippi, authorized by the River and Harbor Act of 1968, is hereby modified to provide that the cost of the alteration of the Shepardstown Bridge (mile 147.8) shall be entirely borne by the United States, at an estimated cost of \$3,600,000.

SEC. 730. The project for flood control on Corte Madera Creek, Marin County, California, authorized by section 201 of the Flood Control Act of 1962 is hereby modified to authorize and direct the Secretary to construct the project for unit 4, from the vicinity of Lagunitas Road Bridge to Sir Francis Drake Boulevard, substantially in accordance with the plan, dated February 1977, on file in the office of the San Francisco district engineer. The plan is hereby further modified to authorize and direct the Secretary to construct such flood proofing measures as may be necessary to individual properties and other necessary structural measures in the vicinity of Lagunitas Road Bridge to insure the proper functioning of the completed portions of the authorized project. The non-Federal share of the costs of such measures shall be in accordance with the cost-sharing provisions contained in section 73(b) of the Water Resources Development Act of 1974. The project is hereby further modified to eliminate any channel modifications upstream of Sir Francis Drake Boulevard.

SEC. 731. The project for improvement of the Mississippi River below Cape Girardeau with respect to the Teche-Vermilion Basins, Louisiana, authorized in the Flood Control Act of 1966, is hereby modified to require the Secretary to relocate at Federal expense the Highway 71 bridge required to be relocated by this project or, at his discretion, to reimburse local interests for such relocation carried out by them at an estimated cost of \$1,200,000.

SEC. 732. The Granger Dam project, San Gabriel River, Texas, is modified to require the Secretary to elevate, relocate, or make such other changes as may be necessary to insure that county roads numbered 361 and 428, including bridges, Williamson County,

Texas, be upgraded to conform to the same standards as relocated FM Road numbered 971 at a cost not to exceed \$3,800,000. The work authorized by this section shall not be commenced until appropriate non-Federal interests agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance.

SEC. 733. The project for Lewisville Lake, Texas, authorized by the River and Harbor Act approved March 2, 1945, is hereby modified to authorize and direct the Secretary to take such actions as may be necessary to insure that approximately four thousand feet, including bridges and approaches, of the road crossing Cottonwood Branch of Lewisville Lake, Texas, formerly designated State Highway 24T, will be above elevation five hundred and thirty-two feet above mean sea level, at an estimated cost of \$3,200,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work and to accept all such work thereafter for operation and maintenance.

SEC. 734. The project for Dardanelle lock and dam, Arkansas, authorized by the River and Harbor Act approved July 24, 1946, is hereby modified to authorize and direct the Secretary to take such action as may be necessary to replace the existing bridge across Cane Creek, Logan County, Arkansas, with a new bridge at an estimated cost of \$1,800,000. Prior to the undertaking of the work authorized by this section, appropriate non-Federal interests shall agree to furnish without cost to the United States lands, easements, and rights-of-way necessary for the work, to hold and save the United States free from damages due to the work, and to accept all such work thereafter for operation and maintenance and no other requirements shall be imposed on non-Federal interests in connection with this work.

SEC. 735. The project for flood protection on the Susquehanna River at Sunbury, Pennsylvania, authorized by the Flood Control Act of 1936, as modified by the Flood Control Act of 1941, is hereby modified to authorize and direct the Secretary to permanently seal the closure structure at the abandoned Reading Railroad site, at an estimated cost of \$75,000.

SEC. 736. The project for the Hudson River, New York; New York City to Waterford authorized by the Act of June 25, 1910 (Public Law 318, Sixty-first Congress), as amended, is modified to authorize the Secretary to remove shoals between the mouth of Roeliff Jansen Kill, Columbia County, New York, and the present navigation channel and to place such removed material at an appropriate site designated by the State of New York, at an estimated cost of \$150,000.

SEC. 737. The flood control project for the San Lorenzo River, Santa Cruz County, California, authorized by the Flood Control Act of 1954, is hereby modified to authorize and direct the Secretary to dredge the San Lorenzo River to provide flood protection to Santa Cruz, California, and surrounding areas, entirely at Federal expense, at an estimated cost of \$3,500,000. No dredging of such river (other than that authorized by the preceding sentence) shall be accom-

plished by the Secretary, except as provided in a law enacted after the date of enactment of this Act.

SEC. 738. The project for flood protection along the Sacramento River and its tributaries, California, authorized by the Flood Control Act of 1917, as amended, is hereby modified to authorize and direct the Secretary to accomplish remedial construction necessary to restore the project flood control levees along the Colusa Trough Drainage Canal and the Knights Landing Ridge Cut, at an estimated cost of \$10,400,000.

SEC. 739. The project for New Melones Dam and Reservoir, California, authorized by the Flood Control Act of 1962 is hereby modified to authorize the following roads to be upgraded to Federal-aid secondary system standards: (1) 5.1 miles of the Parrotts Ferry Road, from north of the Parrotts Ferry Bridge to State Route 4 at Vallejo, Calaveras County, California, and (2) 5.4 miles of Parrotts Ferry Road from south of the Parrotts Ferry Bridge to State Route 49 near Sonora, Tuolumne County, California, at an estimated Federal cost of \$15,000,000. The cost of the work authorized by this section shall be paid entirely by the United States.

SEC. 740. After the date of the enactment of this section, the Secretary of the Army shall have all of the authority which the Secretary of the Air Force has immediately prior to such date over the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona. The Secretary is authorized to take necessary remedial measures to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) and Outlet Channel, Maricopa County, Gila River Basin, Arizona, constructed under authority of section 304 of Public Law 209 of the Eighty-third Congress, at an estimated cost of \$7,500,000. The Secretary is authorized to reimburse any non-Federal interest for any remedial measure (1) carried out by such interest, after January 1, 1983, and before the date of enactment of this Act, to assure structural integrity and flood control capacity of the Trilby Wash Detention Basin (McMicken Dam) at a level of flood protection equal to the level of flood protection provided by such dam before January 1, 1977, and (2) approved by the dam safety agency of the State of Arizona.

SEC. 741. The Secretary is authorized to acquire real property by condemnation, purchase, donation, exchange, or otherwise, as a part of any water resources development project for use for public park and recreation purposes, including but not limited to, real property not contiguous to the principal part of the project.

SEC. 742. The following water resources development projects are modified to authorize the Secretary to construct the beach erosion control, storm protection, or navigation feature of the project separately or in combination with the other such features:

(1) Great Egg Harbor Inlet and Peck Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965 (79 Stat. 1073, 1074).

(2) Corson Inlet and Ludlum Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965.

(3) Townsend Inlet and Seven Mile Beach, New Jersey, authorized in accordance with section 201 of the Flood Control Act of 1965. The non-Federal share for any such feature which is separately constructed shall be the appropriate non-Federal share for that feature.

SEC. 743. The project for the Apalachicola-Chattoahoochee-Flint Rivers, Georgia and Florida, authorized in section 2 of the River and Harbor Act of 1945 (Public Law 79-14; 59 Stat. 10) is hereby modified to authorize the Secretary—

(1) in the course of routine maintenance dredging, to restore and maintain access (in the interest of navigation and ecological restoration) to bendways and interconnecting waterways, including the upper and lower inlets to Poloway cutoff, isolated during construction and maintenance activities by the Federal Government; and

(2) to acquire lands for and to construct, operate, and maintain water-related public use and access facilities along and adjacent to the Apalachicola River downstream of Jim Woodruff lock and dam to Apalachicola, Florida, except that the Secretary shall proceed with the acquisition of lands for the construction of water-related public use and access facilities and the operation and maintenance of such facilities at not more than one area within each county bordering the Apalachicola River.

The Federal and non-Federal share of activities authorized by paragraph (2) of this subsection shall be determined in accordance with the provisions of the Federal Water Project Recreation Act of 1965 (Public Law 89-72; 79 Stat. 213).

SEC. 744. In order to assure adequate flood protection for developed areas in the vicinity of the Cowlitz and Toutle Rivers, Washington, and to improve navigation in the Columbia River, the navigation project on the Cowlitz River, Washington, authorized by the first section of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved June 25, 1910 (36 Stat. 665), is hereby modified to authorize the Secretary to implement and maintain interim flood control measures on the Cowlitz and Toutle Rivers by dredging or other means determined by the Secretary to be necessary to assure flood protection for developed areas in the vicinity of such rivers against a one-hundred-year flood on the lower Cowlitz River and to reduce sedimentation flow and the chance of blockage on the Columbia River.

SEC. 745. The project on Milk River for local flood protection at Havre, Montana, authorized by section 10 of the Flood Control Act approved December 22, 1944 (58 Stat. 897), is hereby modified to authorize the Secretary to reconstruct or replace, whichever the Chief of Engineers determines necessary and appropriate, the water supply intake weir of the city of Havre, Montana, at an estimated cost of \$1,400,000.

SEC. 746. The Lower Granite lock and dam feature of the project for navigation, Snake River, Oregon, Washington, and Idaho, authorized by the first section of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is hereby modified to authorize the Secretary to construct an all-weather surface road in Whitman County, Washington, from Whitman County Road 9000 in Wawawai Canyon to Lower Granite Dam and the Port of Almota, at an estimated cost of \$7,870,000.

SEC. 747. The project for Curwensville Lake, Pennsylvania, authorized by the Flood Control Act of 1954 is hereby modified to authorize the Secretary to construct, at full Federal expense, a water line with pumps from the Pike Township Water Authority to the Bloomington holding tank in order to provide water for municipal use to

the town of Bloomington, Pennsylvania, at an estimated cost of \$300,000.

SEC. 748. The project for flood protection, Waterloo, Iowa, authorized by section 204 of the Flood Control Act of 1965 is hereby modified to provide that the reconstruction of the bridge on United States Highway 20 and the Lafayette Street bridge which are required as a result of the Blowers Creek phase of the project shall be carried out at full Federal expense, at an estimated cost of \$1,700,000.

SEC. 749. The Mud Lake feature of the project for the western Tennessee tributaries, Tennessee and Kentucky, authorized by resolution of the Committee on Public Works of the Senate adopted December 17, 1970, and resolution of the Committee on Public Works of the House of Representatives adopted December 15, 1970, under section 201 of the Flood Control Act of 1965 (Public Law 89-298), is hereby modified to provide that the requirements of local cooperation shall be (1) to hold and save the United States free from damages due to the construction works, and (2) to maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary.

SEC. 750. The project for flood control on the Kawkawlin River, Michigan, authorized under the authority of section 205 of the Flood Control Act of 1948, as amended, is hereby modified to provide that the operation and maintenance of the project shall be the responsibility of the Secretary, at an estimated annual cost of \$70,000.

SEC. 751. The project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act approved June 28, 1938 (52 Stat. 1219), as amended, is hereby modified to provide that the Secretary is authorized to reallocate from hydropower storage to water supply storage, in increments as needed, up to an additional 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Texas and up to 150,000 acre-feet for municipal, industrial, and agricultural water users in the State of Oklahoma. For that portion of the water storage reserved for users in the State of Oklahoma, the Secretary may contract, in increments as needed, with qualified individuals, entities, or water utility systems for use within the Red River Basin; except that for any portion of that water to be utilized outside the Red River Basin, the Secretary shall contract with the RedArk Development Authority. For the portion of the water storage reserved for users in the State of Texas, the Secretary shall contract, in increments as needed, for 50,000 acre-feet with the Greater Texoma Utility Authority and 100,000 acre-feet with the North Texas Municipal Water District. All contracts entered into by the Secretary under this section shall be under terms in accordance with section 301(b) of the Water Supply Act of 1958 (Public Law 85-500). No payment shall be required from and no interest shall be charged to users in the States of Oklahoma or Texas for the reallocation authorized by this section until such time as the water supply storage reserved under such reallocation is actually first used. Any contract entered into for the use of the water received under this section shall require the contracting entity to begin principal and interest payments on that portion of the water allocated under the contract at the time the entity begins the use of such water. Until such time, storage for which reallocation is authorized in this section may be used for



hydropower production. Nothing in this section shall be construed as amending or altering in any way the Red River Compact. In consideration of benefits in connection with such reallocation and usage of municipal, industrial, and agricultural water, all benefits that can be assigned to the Red River chloride control project, Texas and Oklahoma, or the Red River and tributaries multipurpose study, Oklahoma, Texas, Arkansas, and Louisiana, and any individual projects arising from such study, shall be reserved for such projects. Nothing in this section shall affect water rights under the laws of the States of Texas and Oklahoma.

SEC. 752. The navigation project for Buffalo Ship Canal, Buffalo, New York, authorized by the River and Harbor Act of March 2, 1945, is hereby modified to authorize and direct the Secretary to take such actions as may be necessary to construct a high-lift span bridge in the vicinity of the Coast Guard station, approximately 3,600 feet north of South Michigan Avenue, over the ship channel, at full Federal expense, at an estimated cost of \$18,000,000.

SEC. 753. The project for Jackson Hole, Snake River, local protection and levee, Wyoming, authorized by the River and Harbor Act of 1950, is hereby modified to provide that the operation and maintenance of the project and additions and modifications thereto constructed by non-Federal interests shall be the responsibility of the Secretary, except that the non-Federal interests shall pay the first \$35,000, in cash or materials, of the cost of any such operation and maintenance in any one year.

SEC. 754. The project for navigation for Newport Bay Harbor, Orange County, California, authorized by the River and Harbor Act approved August 26, 1937 (50 Stat. 849), and section 2 of the River and Harbor Act approved March 2, 1945 (59 Stat. 21), is modified to authorize the Secretary to dredge and maintain the upper Newport Bay to the boundary of the Upper Newport Bay State Ecological Preserve to a depth consistent with the depth in the existing project for lower Newport Bay, at an estimated cost of \$2,500,000.

SEC. 755. The project for flood control and other purposes in the South Platte River Basin in Colorado, authorized by the Flood Control Act of 1950 (64 Stat. 175), is modified to provide that the Chatfield Dam and any other authorized Federal improvements in the South Platte River Basin shall be operated in a manner that achieves the authorized level of flood protection, as determined by the Secretary, for the area beginning at the Chatfield Dam and ending at a point 82 miles downstream.

SEC. 756. The multipurpose project at Beaver Lake, Arkansas, authorized by the Flood Control Act of 1954, is hereby modified to authorize and direct the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and in consultation with appropriate State and local agencies, to conduct a one-year comprehensive study of the Beaver Lake reservoir to identify measures which will optimize achievement of the project's purposes while preserving and enhancing the quality of the reservoir's water. Upon completion of the study the Secretary shall undertake a demonstration project at Beaver Lake to determine the effectiveness of measures identified in such study for preserving and enhancing the quality of the reservoir's water for current and future users, at full Federal expense and at an estimated cost of \$5,000,000.

SEC. 757. (a) The Mississippi River-Gulf outlet feature of the project for Mississippi River, Baton Rouge to Gulf of Mexico, authorized by the Act of March 29, 1956 (Public Law 455 of the Eighty-fourth Congress, 70 Stat. 65), is modified to provide that the replacement and expansion of the existing industrial canal lock and connecting channels or the construction of an additional lock and connecting channels shall be in the area of the existing lock. The Federal share of the cost of such modification shall be paid from the Port Infrastructure Development and Improvement Trust Fund. The conditions of local cooperation specified in House Document Numbered 245, Eighty-second Congress, shall apply to the construction of the replacement or additional lock and connecting channels, except that the additional costs, as determined by the Chief of Engineers, of lands, easements, and rights-of-way acquisition and relocations of residences, industries, and utilities beyond those costs at the Meraux site (Violet), including such costs attributable to the relocation, replacement, modification, or construction of bridges, shall be borne by the United States. All other costs of relocation, replacement, modification, or construction of bridges (at a cost not to exceed \$94,500,000), required as a result of the construction of the replacement or additional lock and connecting channels shall be borne by the United States; and before construction of bridges may be initiated the non-Federal public bodies involved shall agree (1) to hold and save the United States free from damages resulting from construction of the bridges and their approaches, (2) upon completion of construction, to accept title to such bridges and approaches and thereafter to operate and maintain the bridges and their approaches as free facilities.

(b) The Secretary is directed to make a maximum effort to assure the full participation of members of minority groups, living in the affected areas, in the construction of the replacement or additional lock and connecting channels authorized by subsection (a) of this section, including actions to encourage the use, wherever possible, of minority-owned firms. The Chief of Engineers is directed to report on July 1 of each year to the Congress on the implementation of this section, together with recommendations for any legislation that may be needed to assure the fuller and more equitable participation of members of minority groups in this project or others under the direction of the Secretary.

SEC. 758. The project for flood protection on the Saginaw River, Michigan, authorized by the Flood Control Act of 1958 (Public Law 85-500), is modified (1) to provide that the Secretary shall first construct the Flint and Shiawassee Rivers portion of the Shiawassee Flats unit of such project and that such construction shall begin, with available funds, during fiscal year 1984, and (2) to authorize the Secretary to reconstruct or relocate, whichever the Secretary determines is necessary, the Curtis Road Bridge, at full Federal expense and at an estimated cost of \$350,000. Such project is also modified to include necessary measures to alleviate project-induced flood damages to areas outside the project area and to include such channelization measures in the Shiawassee Flats unit as the Secretary determines necessary for flood control purposes. For the purpose of determining the non-Federal share of the cost of the project, as modified, the cost of reconstruction or relocation of

the Curtis Road Bridge, as the case may be, shall not be included in the cost of the project.

SEC. 759. The navigation project for Brunswick Harbor, Georgia, authorized by the River and Harbor Act of 1950, is hereby modified to incorporate the Georgia Ports Authority's 30-foot-deep by 300-foot-wide by 8,000-foot-long channel in the South Brunswick River serving Colonel's Island terminal facilities.

SEC. 760. The project for navigation at Houston Ship Channel (Barbour Terminal Channel), Texas, authorized by section 107 of the River and Harbor Act of 1960 (74 Stat. 486), is modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a 40-foot project depth in the Barbour Terminal Channel.

SEC. 761. (a) The Hansen Dam project authorized as part of the flood control project for the Los Angeles and San Gabriel Rivers, California, by section 5 of the Flood Control Act approved June 22, 1936 (49 Stat. 1589), is hereby modified to authorize the Secretary to contract for the removal and sale of dredged material from the flood control basin for Hansen Dam, Los Angeles County, California, for the purposes of facilitating flood control, recreation, and water conservation. All funds received by the Secretary from the sale of such dredged material shall be deposited in the general fund of the Treasury.

(b) There is authorized to be appropriated for fiscal years beginning after September 30, 1984, an amount not to exceed the amount of funds received by the Secretary from the sale of dredged material under subsection (a). Amounts appropriated under this subsection shall be available to the Secretary—

(1) to construct, operate, and maintain recreational facilities at the Hansen Dam project; and

(2) to the extent consistent with other authorized project purposes, to facilitate water conservation and ground water recharge measures at the Hansen Dam project in coordination with the city of Los Angeles, California, and the Los Angeles County Flood Control District; at full Federal expense.

SEC. 762. The project for navigation, Newport News Creek, Virginia, authorized by the River and Harbor Act of 1946, is hereby modified to authorize the relocation and reconstruction by the State of Virginia of the project upon approval of plans for such relocation and reconstruction by the Secretary.

SEC. 763. The project for flood protection, Turtle Creek, Pennsylvania, authorized by the Flood Control Act of 1958, is hereby modified to authorize and direct the Secretary to repair and restore such project so that such project serves its project purposes. Such repairs and restoration shall not be commenced until each non-Federal interest has entered into a written agreement with the Secretary to furnish its required cooperation for such repairs and restoration in accordance with the project agreement and to comply with section 221 of the Flood Control Act of 1970 and the non-Federal share requirements of section 302 of this Act.

SEC. 764. The project for navigation, Dunkirk Harbor, New York, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and

resolution of the Committee on Public Works of the Senate, dated June 22, 1971, is modified to authorize the Secretary to include dredging and maintenance of the eastern inner harbor of such project in accordance with such plans as the Secretary, in consultation with appropriate non-Federal interests, may develop, at an estimated cost of \$2,300,000.

Sec. 765. The project for navigation at Houston Ship Channel (Bayport Ship Channel), Texas, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 298), is modified to authorize and direct the Secretary to perform such dredging operations as are necessary to maintain a 40-foot project depth in the Bayport Ship Channel.

Sec. 766. (a) The project for navigation for Honolulu Harbor, Hawaii, authorized by section 101 of the River and Harbor Act of 1954, is modified to authorize and direct the Secretary to maintain a 23-foot project depth in the Kalihi Channel portion of such project.

(b) The consent of Congress is hereby given to the State of Hawaii to construct, operate, and maintain a fixed-span bridge in and over the water of the Kalihi Channel, Honolulu Harbor, Hawaii.

Sec. 767. The project for navigation, Bayou Lafourche and Lafourche-Jump Waterway, Louisiana, authorized by the River and Harbor Act of August 30, 1935, is hereby modified to provide for the maintenance by the Secretary of a channel 30 feet deep from mile minus 2 to mile 0 in Belle Pass and of a channel 24 feet deep from mile 0 to mile 4 in Bayou Lafourche. The Secretary is authorized and directed to study the feasibility of deepening the channel from mile 0 to mile 4 in Bayou Lafourche to 30 feet. The Secretary shall report the results of such study with recommendations to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

Sec. 768. (a) The project for harbor improvement at Noyo, Mendocino County, California, authorized by the River and Harbor Act of 1962 (76 Stat. 1173), is hereby modified to provide that the non-Federal interests shall contribute 25 per centum of the cost of areas required for initial and subsequent disposal of dredged material, and of necessary retaining dikes, bulkheads, embankments, and movement of materials therefor.

(b) The requirements for appropriate non-Federal interests to contribute 25 per centum of the construction costs as set forth in subsection (a) shall be waived by the Secretary upon a finding by the Administrator of the Environmental Protection Agency (1) that for the area to which such construction applies, the State of California, municipalities, and other appropriate political subdivisions of the State and industrial concerns are participating in, and in compliance with, an approved plan for the general geographical area of the dredging activity for construction, modification, expansion, or rehabilitation of waste treatment facilities, and (2) that applicable water quality standards are not being violated.

(c) If, in lieu of diked disposal, the Secretary determines ocean disposal is necessary to carry out the project, the Federal share of the cost of such ocean disposal shall be 100 per centum.

Sec. 769. The project for flood control, Endicott, Johnson City, and Vestal, New York, authorized by the Flood Control Act of 1954, is hereby modified to authorize the

Secretary to undertake such measures as may be necessary to correct erosion problems affecting the levee at Vestal, New York, and to perform necessary work to protect the levee and restore it to its design condition, at an estimated cost of \$700,000. The non-Federal share of the cost of such measures and work shall be determined under section 302 of this Act.

Sec. 770. The flood control project for Sardis Lake, authorized by section 203 of the Flood Control Act of 1962, as modified by section 108 of the Energy and Water Development Appropriation Act of 1982, is modified to authorize and direct the Secretary to plan, design, and construct access road improvements to the existing road from the west end of Sardis Lake to Daisy, Oklahoma, at full Federal expense and at an estimated cost of \$10,000,000. Non-Federal interests shall operate and maintain facilities at their own expense.

Sec. 771. The project for navigation, Cambridge Creek, Maryland, is modified to authorize and direct the Secretary to narrow the channel in the existing project, as determined necessary by the Secretary for the purpose of enhancing economic development in the area of such creek. No appropriation shall be made for carrying out such modification, if such modification has not been approved by resolution adopted by the Committee on Public Works and Transportation of the Houses of Representatives and the Committee on Environment and Public Works of the Senate.

Sec. 772. (a) The project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, authorized by the River and Harbor Act of 1958, is modified to provide that the first Federal construction increment of the Ocean Township to Sandy Hook reach of such project shall consist of a berm of approximately 50 feet at Sea Bright and Monmouth Beach extending to and including a feeder beach in the vicinity of Long Beach, at an estimated cost of \$40,000,000.

(b) The non-Federal share of the cost of construction and maintenance of the Ocean Township to Sandy Hook reach of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, shall consist of amounts expended by non-Federal interests for reconstruction of the seawall at Sea Bright and Monmouth Beach, New Jersey.

(c) Before initiation of construction of any increment of the project for beach erosion control, Sandy Hook to Barnegat Inlet, New Jersey, non-Federal interests shall agree to provide public access to the beach for which such increment of the project is authorized in accordance with all requirements of State law and regulations.

#### PART VIII—WATER SUPPLY

##### SUBPART A—LOAN PROGRAM

Sec. 801. This subtitle may be cited as the "Water Supply Rehabilitation and Conservation Act of 1983".

Sec. 802. The Congress hereby finds that—

(1) many water supply systems are in deterioration and that authority has not been granted to any Federal water development agency to assist many existing municipal and industrial water supply systems;

(2) certain regions of the Nation are facing serious water supply problems and large quantities of water are being wasted as a result of aging and deteriorating water supply and distribution facilities;

(3) modernizing existing water supply systems is an important part of any effort to

rejuvenate the Nation's older cities and remove impediments to economic growth;

(4) many water supply systems have experienced difficulty in obtaining capital necessary to accomplish repairs, rehabilitations, expansions, and improvements required for efficient and reliable operation;

(5) in light of historic and continuing Federal involvement in meeting many other water supply needs, there is a national need to rehabilitate and upgrade existing water supply systems;

(6) in all regions of the country and in all circumstances in which the Federal Government is involved in providing water supply, it is essential to promote water conservation; and

(7) encouraging the use of low-flow devices in new construction, improving metering and rate schedules and leak detection programs, and adopting other water conservation methods saves water and energy.

Sec. 803. For purposes of this subtitle—

(1) The term "expansion", as used with respect to a water supply system, means the installation of water supply facilities necessary to increase the service capability or efficiency of the water supply system.

(2) The term "improvement", as used with respect to a water supply system, means any activity other than rehabilitation designed to improve service reliability or efficiency of the water supply system.

(3) The term "rehabilitation", as used with respect to a water supply system, means the repair or replacement of components or facilities required to restore service reliability or efficiency of the water supply system.

(4) The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(5) The term "water supply system" means the facilities used in the production and pumping of water for consumption (including, but not limited to, water storage, desalination, and other collection and purification techniques), water treatment facilities (other than sewage treatment facilities), and the water distribution and conveyance facilities used to provide water for municipal and industrial purposes.

Sec. 804. (a) Subject to the provisions of this subtitle, the Secretary may make loans to—

(1) any department, agency, or instrumentality of one or more State or local governments which operates a water supply system, and

(2) any person who operates a water supply system the rates and services of which are subject to regulation by a department, agency, or instrumentality of a State government, for the purpose of repair, rehabilitation, expansion, or improvement of such system.

(b)(1) Subject to the provisions of section 810, the amount of any loan under this subtitle shall not exceed 80 per centum of the cost of the project for which the loan is made. Such costs shall include, but not be limited to, the costs of (A) engineering, (B) design, and (C) acquisition of water rights, lands, easements, and rights-of-way, necessary to carry out the project.

(2) The Secretary may not lend under this subtitle in any fiscal year (A) more than \$40,000,000 to any operator of a water supply system, and (B) more than \$80,000,000 for water supply projects in any State.



(c) No loan may be made under this subtitle for any purpose not related to water supply or water conservation.

(d) No loan may be made under this subtitle for the purpose of acquisition by a supplier of water of any other supplier of water serving a population of more than 1,000 persons.

(e) No loan may be made under this subtitle for any project which is intended solely to increase the number of persons served by a water supply system.

(f)(1) For the purpose of securing consideration and approval of loans under this subtitle, not later than 180 days after the date of enactment of this Act, and not later than January 15 of each year thereafter, the Secretary shall submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate (hereinafter in this subsection referred to as "the committees") a list of any applications for loans fulfilling all requirements for loans under this subtitle, a detailed summary of all such applications, and a recommendation of approval or disapproval for a loan for each such application. Not later than 270 days after the date of enactment of this Act, and not later than May 15 of each year thereafter, the committees shall adopt a resolution listing those loans, if any, approved under this subtitle. Except for loans authorized by section 813 of this Act, no appropriation shall be made for any loan under this subtitle if the application for such loan has not been approved by such resolution adopted by the committees.

(2) Any loan approved and authorized for appropriations pursuant to the provisions of paragraph (1) of this subsection shall not be authorized after the 5-year period beginning on the date of approval of such loan by the committees unless during such period funds have been obligated for such loan under this subtitle.

Sec. 805. (a) Any operator of a water supply system seeking a loan under this subtitle shall submit an application to the Secretary for such loan in such form and manner as the Secretary may require by regulation. Each such application shall be accompanied by a payment of one percent of the amount of the loan requested in such application (but in no event more than \$10,000).

(b) Any application for a loan under this subtitle shall include, among other things (1) a detailed plan and estimated cost of the project for which the loan is applied, (2) a showing (A) that the applicant holds or can acquire all lands and interests in land (except public and other lands and interests in land owned by the United States which are within the administrative jurisdiction of the Secretary and subject to disposition by the Secretary) and rights to the use of water pursuant to applicable State law necessary for the successful completion, operation, and maintenance of the project, and (B) that the applicant is ready, willing, and able to finance the portion of the cost of the project which will not be covered by the loan, and (3) a showing of the improvements the proposed project will make in supplying water for domestic, commercial, and industrial purposes, as well as public purposes including fire protection and recreation.

(c) The Secretary may only make loans under this subtitle with respect to projects which the Secretary determines are technologically feasible and which constitute a reasonable financial risk.

(d) In making loans under this subtitle, the Secretary shall give priority to those

water supply systems which are polluted, contaminated, or threatened with pollution or contamination, to such an extent that they present a potential danger to human health.

Sec. 806. Upon approval or disapproval of a loan application under this subtitle by the Secretary, the Secretary shall pay the applicant the amount by which the payment made by such applicant under section 805(a) with respect to such application exceeds the cost incurred by the Secretary in processing such application.

Sec. 807. (a) The Secretary may only make loans under this subtitle to an operator of a water supply system if the Secretary determines that, before completion of the proposed project, the operator will, to the best of the operator's ability, implement a model water conservation program or a water conservation program, suitable to local conditions, which is equivalent to a model water conservation program.

(b) For purposes of this section, the term "model water conservation program" includes the following:

(1) Encouraging each community served by the water supply system to establish plumbing codes which promote water conservation in new construction.

(2) To the extent feasible and appropriate, utilizing water meters which promote water conservation.

(3) Establishing water rate schedules which encourage water conservation.

(4) Providing a comprehensive leak detection and repair program for water supply systems.

(5) Making public information available on home and business water conservation techniques and benefits.

(6) Developing a drought contingency plan.

Sec. 808. The Secretary shall enter into an agreement with each person to whom a loan is to be made under this subtitle. Subject to the provisions of section 810, such agreement shall include the following terms, among others:

(1) The maximum amount of the loan to be made and the time and method of making funds available under the loan.

(2) An interest rate for the loan determined in accordance with section 301(b) of the Water Supply Act of 1958 (72 Stat. 319; Public Law 85-500).

(3) Computation of interest in accordance with such section 301(b).

(4) A repayment period and a plan of repayment of the sums lent and interest determined in accordance with such section 301(b).

(5) Such provisions as the Secretary shall deem necessary or proper to provide assurance of and security for prompt repayment of the loan and interest, including a provision that the operator of the water supply system shall maintain adequate rates in order to be reasonably expected to meet its obligations under the agreement and to maintain, repair, and rehabilitate the project for which the loan is made.

Sec. 809. Amounts paid with submission of loan applications under section 805(a) and amounts of loans (including interest accruing on such loans) repaid under this subtitle shall be deposited in the general fund of the Treasury.

Sec. 810. The Secretary may increase the maximum percentage of the cost of a project for which a loan may be made under this subtitle if the project for which the loan is made will serve a remote rural area or if the Secretary determines that such increase is appropriate for economic reasons.

Sec. 811. The Secretary shall issue such regulations and carry out such actions as may be necessary to carry out the objectives of this subtitle, except that the Secretary may not provide planning, design, or construction-related services to applicants for loans under this subtitle.

Sec. 812. There is authorized to be appropriated to carry out this subtitle \$800,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988, and such sums as may be necessary for each fiscal year thereafter.

Sec. 813. The following water supply projects are authorized to receive loans under this subtitle:

(1) Treatment, conveyance, distribution, and pumping facilities for Buffalo, New York, at an estimated cost of \$20,000,000.

(2) Treatment, conveyance, distribution, and pumping facilities for Berlin, New Hampshire, at an estimated cost of \$10,000,000.

(3) Treatment, conveyance, distribution, and pumping facilities for Rochester, New Hampshire, at an estimated cost of \$10,000,000.

(4) Treatment, conveyance, distribution, pumping, and storage facilities for the Islands of Saint Thomas, Saint Croix, and Saint John, Virgin Islands, at an estimated cost of \$35,000,000.

(5) Conveyance, distribution, pumping, and storage facilities for Dupage County, Illinois (Dupage County Commission), at an estimated cost of \$280,000,000.

(6) Conveyance facilities (Third Water Tunnel, First Stage) for New York City, at an estimated cost of \$220,000,000.

(7) Treatment, conveyance, distribution, pumping, and storage facilities for Fort Smith and Van Buren, Arkansas, at an estimated cost of \$25,000,000.

(8) Treatment, conveyance, distribution, production, pumping, and storage facilities for American Samoa, at an estimated cost of \$20,000,000.

(9) Treatment, pumping, and conveyance facilities for William H. Harsha Lake, Ohio River Basin, Ohio, at an estimated cost of \$18,400,000.

(10) Treatment, conveyance, distribution, and pumping facilities for Totowa, New Jersey (Passaic Valley Water Commission), at an estimated cost of \$25,000,000.

(11) Conveyance, pumping, and distribution facilities for Jersey City, New Jersey, at an estimated cost of \$15,000,000.

(12) Treatment, conveyance, pumping, distribution, production, and storage facilities for Rockaway Township, New Jersey, at an estimated cost of \$10,000,000.

(13) Treatment, conveyance, pumping, distribution, production, and storage facilities for Falmouth, Kentucky, at an estimated cost of \$2,500,000.

(14) Treatment, distribution, pumping, and storage facilities for the Borough of Ford City, Pennsylvania, at an estimated cost of \$1,600,000.

(15) Treatment, conveyance, distribution, pumping, and storage facilities for Tucson, Arizona, at an estimated cost of \$50,000,000.

(16) Conveyance, pumping, and distribution facilities for Boston, Massachusetts, at an estimated cost of \$86,000,000.

(17) Conveyance, pumping, distribution, and storage facilities for Cook County, Illinois (Northwest Suburban Municipal Joint Action Water Agency), at an estimated cost of \$154,400,000.

(18) Treatment, conveyance, pumping, distribution, production, and storage facilities

for Brockton, Massachusetts, at an estimated cost of \$9,500,000.

(19) Treatment, conveyance, pumping, distribution, production, and storage facilities for Hesperia, California, at an estimated cost of \$32,000,000.

(20) Treatment, conveyance, distribution, and pumping facilities for Philadelphia, Pennsylvania, at an estimated cost of \$66,000,000.

(21) Intake, pumping, and distribution facilities for Huntington, West Virginia, at an estimated cost of \$2,400,000.

(22) Treatment, conveyance, distribution, and pumping facilities for Grand Haven, Michigan, at an estimated cost of \$6,900,000.

(23) Treatment, conveyance, pumping, distribution, production, and storage facilities for Battle Creek, Michigan, including identification and development of alternative sources of water and necessary relocation of wells, at an estimated cost of \$3,000,000.

(24) Storage facilities consisting of a water tank in Tafuna, Tualata County, Western Tutuila Island, American Samoa, at an estimated cost of \$450,000.

(25) Storage facilities consisting of a water tank in the Village of Leona, Lealataua County, Western Tutuila Island, American Samoa, at an estimated cost of \$425,000.

(26) Treatment, conveyance, pumping, distribution, and storage facilities for the Becaria-Houtzdale area, Pennsylvania, at an estimated cost of \$2,000,000.

(27) Conveyance, pumping, distribution, and storage facilities for the community of Blue Creek, Ohio (Northwest Water System, Inc.), at an estimated cost of \$2,200,000.

(28) Treatment, conveyance, pumping, distribution, production, and storage facilities for Morris County, New Jersey (Morris County Municipal Utilities Authority), at an estimated cost of \$26,300,000.

#### SUBPART B—WATER SUPPLY PROJECTS

SEC. 851. (a) The Congress declares that there is a national interest in the conservation of existing water supplies and in the development of new water supplies, on an economical basis, for domestic, municipal, industrial, and other public purposes through Federal participation in the repair, rehabilitation, and improvement of water supply systems and through Federal construction of single and multiple purpose water supply projects.

(b) In carrying out a policy to encourage a more efficient use and adequate supply of water as a way to benefit municipal and industrial development, wetland preservation, fish and wildlife protection, and other national purposes, the Secretary is authorized and directed to survey, plan, and recommend to the Congress (1) projects for the repair, rehabilitation, expansion, and improvement of water supply systems (including, but not limited to, demand-reducing techniques), and (2) projects for the construction of single and multiple purpose water supply systems (including, but not limited to, storage, treatment, conveyance, and distribution facilities) needed to meet existing and anticipated future demand, consistent with the policies set forth in this section. No appropriation shall be made for any such survey if such appropriation has not been approved by resolution adopted by the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives.

(c)(1) Except as provided in paragraph (2), the appropriate non-Federal interests shall provide the necessary lands, easements, and rights-of-way for any project carried out

pursuant to a survey undertaken under subsection (b). If the value of the lands, easements, and rights-of-way so provided is less than 20 per centum of the cost of the project allocable to municipal and industrial water supply (including the value of such lands, easements, and rights-of-way), the non-Federal interests shall pay to the Secretary before construction of the project an amount equal to the excess of (A) the amount equal to 20 per centum of such cost, over (B) the value of such lands, easements, and rights-of-way.

(2) If the Secretary estimates before the beginning of construction of any project to which paragraph (1) applies that the value of all lands, easements, and rights-of-way required for such project will be a percentage of the cost of the project allocable to municipal and industrial water supply which is greater than 20 per centum, the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary shall be limited to the amount by which such estimated sum exceeds an amount equal to 20 per centum of the estimated cost of the project allocable to municipal and industrial water supply.

(3) An amount equal to the cost of the project allocable to municipal and industrial water supply less the value of lands, easements, and rights-of-way provided and any amount paid to the Secretary under paragraph (1) by the non-Federal interests shall be repaid to the United States over a period not to exceed fifty years, with interest determined in accordance with section 301(b) of the Water Supply Act of 1958.

(4) The Secretary may reduce the amount required to be paid under paragraph (1), and the value of lands, easements, and rights-of-way required to be provided under paragraph (2), by non-Federal interests for any project to which paragraph (1) applies if the project will serve a remote rural area or if the Secretary determines that such reduction is appropriate for economic reasons.

SEC. 852. (a) Except as provided in subsection (b), the Secretary is authorized to provide technical assistance to operators of public water supply systems for the purpose of identifying water supply problems and developing measures for repair, rehabilitation, expansion, and improvement of public water supply systems.

(b) The authority of the Secretary to provide technical assistance under subsection (a) is limited to providing technical assistance for reconnaissance reports and prefeasibility studies except in any case in which the Secretary determines that the public water supply operator cannot utilize the services of the private sector for economic or other reasons.

SEC. 853. The Secretary shall study existing water resources projects under the jurisdiction of the Secretary to determine the feasibility of utilizing such projects for water supply on an interim or permanent basis. The Secretary shall transmit a report of the results of such study, along with recommendations for the utilization of such projects for water supply, not later than two years after the date of enactment of this Act.

SEC. 854. The Secretary is authorized to design and construct a treatment plant and a regional conveyance system of water from Lake Arcadia to Edmund, Oklahoma, at an estimated cost of \$12,000,000. The Secretary shall acquire and provide to the non-Federal

interests the necessary lands, easements, and rights-of-way for the project. The non-Federal interests shall pay to the Secretary, before construction of the project, an amount equal to 20 per centum of the cost of such project (including the value of such lands, easements, and rights-of-way). The non-Federal interests shall repay the remainder of the costs of the project to the Secretary in accordance with the Water Supply Act of 1958, except that the interest rate shall be the applicable rate under the existing water supply contract, signed by the Secretary on November 13, 1979, and numbered DACW 56-79-C-0072.

SEC. 855. The Secretary is authorized and directed to construct treatment facilities and conveyance facilities to treat and convey water from Parker Lake to municipalities and rural water systems within the jurisdiction of the RedArk Development Authority in the State of Oklahoma, at a cost not to exceed \$88,636,000. Subsection (c) of section 851 shall apply to such project.

SEC. 856. (a) The project for the Caesar Creek, Ohio River Basin, Ohio, authorized by section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 28, 1938 (52 Stat. 1217), is hereby modified to authorize and direct the Secretary to construct a public water supply system in accordance with the document entitled "Southwest Ohio Water Plan", prepared by the Ohio Department of Natural Resources (April 1976), with such modifications as the Chief of Engineers deems advisable, at an estimated cost of \$66,000,000.

(b) Prior to the construction of the water supply system pursuant to subsection (a) of this section, the Secretary shall enter into an agreement with appropriate non-Federal interests which provides that (1) such non-Federal interests will provide the Secretary with the lands, easements, and rights-of-way necessary for the Secretary to construct such water supply system, (2) after such construction is completed, all right, title, and interest of the United States, in such water supply system shall be conveyed to such non-Federal interests who shall thereafter operate and maintain such water supply system, and (3) the costs of construction shall be repaid to the Federal Government over a period of fifty years after completion of construction of the water supply system. The first annual payment shall be a minimum of 0.1 per centum of the total amount to be repaid. The annual payments shall be increased by 0.1 per centum each year until the tenth year at which time the payment shall be 1 per centum of the total principal amount to be repaid. Subsequent annual payments for the balance of forty years shall be one-fortieth of the balance remaining after the tenth annual payment (including interest over such fifty-year period at the rate specified in section 301(b) of the Water Supply Act of 1958).

SEC. 857. The Secretary, in cooperation with the States and political subdivisions thereof, shall make a detailed estimate of needed repair, rehabilitation, and construction of water supply and distribution facilities for municipal and industrial uses and the costs thereof in all of the States and of needed repair, rehabilitation, and construction of water supply and distribution facilities for municipal and industrial uses and the costs thereof in each of the States. The Secretary shall not include in this estimate any needed repair, rehabilitation, and construction of water supply and distribution



facilities constructed in accordance with the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory and supplementary thereto). In preparing such detailed estimate, the Secretary shall utilize information provided by the States. The Secretary shall transmit such detailed estimate to Congress not later than two years after the date of enactment of this Act.

#### PART IX—NAMINGS

SEC. 901. The reservoir created by dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Winthrop Rockefeller Reservoir". Any law, regulation, document, or record of the United States in which such reservoir is referred to shall be held to refer to such reservoir as the "Winthrop Rockefeller Reservoir".

SEC. 902. Lock and dam numbered 4 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Emmett Sanders Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Emmett Sanders Lock and Dam".

SEC. 903. Lock and dam numbered 3 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Joe Hardin Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Joe Hardin Lock and Dam".

SEC. 904. Lock and dam numbered 13 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "James W. Trimble Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "James W. Trimble Lock and Dam".

SEC. 905. Lock and dam numbered 9 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Arthur Ormond Lock and Dam". Any law, regulation, document, or record of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the "Arthur Ormond Lock and Dam".

SEC. 906. The harbor located in Elmwood Township, Leelanau County, Michigan, and authorized as the Grand Traverse Bay by section 101 of the River and Harbor Act of 1948 (62 Stat. 1173) shall hereafter be known and designated as the "Greilickville Harbor". Any reference in a law, map, regulation, document, record, or other paper of the United States to that harbor shall be deemed to be a reference to the "Greilickville Harbor".

SEC. 907. The harbor of the Port of Hickman on the Mississippi River at Hickman, Kentucky, shall hereafter be known and designated as the "Elvis Stahr Harbor, Port of Hickman". Any law, regulation, document, or record of the United States in which such harbor is referred to shall be

held to refer to such harbor as the "Elvis Stahr Harbor, Port of Hickman".

SEC. 908. Dam numbered 2 on the Arkansas River, Arkansas, constructed as part of the project for navigation on the Arkansas River and tributaries, shall hereafter be known and designated as the "Wilbur D. Mills Dam". Any law, regulation, document, or record of the United States in which such dam is referred to shall be held to refer to such dam as the "Wilbur D. Mills Dam".

SEC. 909. The China Bluff access area which is being constructed by the Army Corps of Engineers as part of the Gainesville lock and dam portion of the Tennessee-Tombigbee Waterway project and which is located near Warsaw in Sumter County, Alabama, shall hereafter be known as the "S. W. Taylor Memorial Park". Any reference in any law, map, regulation, document, or other record of the United States to the China Bluff access area shall be held to be a reference to the "S. W. Taylor Memorial Park".

SEC. 910. The main channel of the project for San Leandro Marina, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on June 22, 1971, and by the Committee on Public Works of the Senate on December 15, 1970, shall hereafter be known and designated as the "Jack D. Maltester Channel". Any law, regulation, document, or record of the United States in which such channel is referred to shall be held to refer to such channel as the "Jack D. Maltester Channel".

SEC. 911. The visitor center at the powerhouse at the Richard B. Russell Dam and Lake project, South Carolina and Georgia, shall hereafter be known and designated as the "Peyton S. Hawes Visitor Center". Any reference in any law, map, regulation, document, record, or other paper of the United States to such visitor center shall be deemed to be a reference to the "Peyton S. Hawes Visitor Center".

SEC. 912. Calion Lock and Dam located on the Ouachita River near Calion, Arkansas, shall hereafter be known and designated as the "H. K. Thatcher Lock and Dam". Any reference in a law, map, regulation, document, record, or other paper of the United States to such lock and dam shall be held to be a reference to the "H. K. Thatcher Lock and Dam".

#### PART X—PROJECT DEAUTHORIZATIONS

SEC. 1001. The following projects, with a total estimated authorized cost of \$11.1 billion, are not authorized after the date of enactment of this Act, except with respect to any portion of such a project which portion has been completed before such date or is under construction on such date:

##### ALABAMA

The project for flood control, Alabama River, Montgomery, Alabama, authorized by the Flood Control Act of 1968.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Wills Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Crooked Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Hatchet Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Little River Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Mill Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Terrapin Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Waxahatchee Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Weogufka Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Yellowleaf Creek, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Big Canoe Creek Lake, Alabama, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

##### ALASKA

The project for navigation, Myers Chuck Harbor, Alaska, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The jetty extension feature of the project for navigation, Nome Harbor, Alaska, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

The project for navigation, Skagway River, Alaska, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, and section 10 of the Flood Control Act of 1946, except the 6,700 foot training dike and the 1,800-foot breakwater.

##### ARKANSAS

The project for flood control, Crooked Creek Lake Levee, Arkansas, authorized by the Flood Control Act of 1968.

The Gillette New Levee feature of the project for flood control, Lower Arkansas River, North Bank, Arkansas, authorized by the Flood Control Act of May 15, 1928, Public Law 391, Seventieth Congress; the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress; and the Flood Control Act of 1946.

The project for flood control, Murfreesboro Reservoir, Pike County, Arkansas, authorized by the Flood Control Act of 1950.

##### CALIFORNIA

The project for flood control, Alhambra Creek, California, authorized by the Flood Control Act of 1968.

The Aliso Creek Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Bear River, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works and Transportation of the House of Representatives, dated September 23, 1976,

and resolution of the Committee on Environment and Public Works of the Senate, dated October 1, 1976.

The project for flood control, Butler Valley Dam, Mad River, California, authorized by the Flood Control Act of 1968.

The project for flood control, Eel River, California, authorized by the Flood Control Act of 1965, except for the completed levees on the right bank of the Eel River in the Sandy Prairie area.

The Sierra Madre Wash feature of the project for flood control, Los Angeles County Drain Area, California, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The barrier groin and sandtrap feature of the project for navigation, Monterey Harbor, California, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Napa River Basin, California, authorized by the Flood Control Act of 1965.

The features of the project for navigation, Napa River, California, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress, which features consist of construction of dikes and revetments.

That portion of the project for navigation, Old River, San Joaquin County, California, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, consisting of a side channel at Orwood and completion of the project channels from the mouth of Old River to Lammers Ferry road and from Crocker Cut to the Holly Sugar Factory.

The San Juan Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The Trabuco Dam feature of the project for the Santa Ana River Basin, Orange County, California, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, University Wash and Spring Brook, California, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated June 22, 1971.

The shallow-draft channel, Calusa to Red Bluff, feature of the project for navigation, Sacramento River, California, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress.

Those features of the project for navigation, San Joaquin River, Stockton Deepwater Ship Channel, California, authorized by the River and Harbor Act of 1950, which features consist of construction of a new turning basin near Rough and Ready Island; enlargement of Upper Stockton Channel; construction of a 30-foot depth Burns Cut-off Channel around Rough and Ready Island, including construction of a combination rail and highway bridge; and construction of a new settling basin on San Joaquin River upstream from its confluence with Stockton Channel.

#### COLORADO

The project for flood control, Boulder, Colorado, authorized by the Flood Control Act of 1950.

The project for flood control, Castlewood Lake, Douglas County, Colorado, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

#### CONNECTICUT

The features of the project for navigation, Bridgeport Harbor-Black Rock Harbor, Connecticut, authorized by the River and Harbor Act of 1958, which features provide for construction of two rubble-mound breakwaters at the entrance to Black Rock Harbor and dredging a 28-acre anchorage 6 feet deep in Burr and Cedar Creeks at the head of Black Rock Harbor.

The project for navigation, Connecticut River below Hartford, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Mystic River, New London County Channel, Connecticut, authorized by the River and Harbor Act of March 4, 1913, Public Law 429, Sixty-second Congress, which provides for the widening of the channel extending 4,700 feet from the United States Route 1 drawbridge to the Mystic Seaport site from its constructed width of 80 to 90 feet to a width of 100 feet.

The Walnut Beach and impermeable groins features of the project for beach erosion control, Silver Beach to Cedar Beach, Connecticut, authorized by the River and Harbor Act of 1954.

The six-foot anchorage at northeast end of Stonington Harbor feature of the project for navigation, Stonington Harbor, New London County, Connecticut, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Thames River, New London County, Connecticut, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which provides for an increased channel width in the bend at Long Reach Upper Light (river mile 6.8).

The uncompleted portions of the project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of 1946, which portions consist of deepening the lower end of the Quinnipiac River Channel to 22 feet up to a point 1,000 feet above Ferry Street.

The project for navigation, New Haven Harbor, Connecticut, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The uncompleted portions of the project for navigation, Milford Harbor, Connecticut, authorized by the River and Harbor Act of June 13, 1902, and the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portions consist of a 5-acre anchorage, 10 feet deep, behind the east jetty at the east side of such jetty.

#### DISTRICT OF COLUMBIA

The project for flood control, Washington, D.C., and vicinity, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

#### FLORIDA

The Cross Bank to Key West portion of the project for navigation, Atlantic Intracoastal Waterway, Miami to Key West, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Biscayne Bay, Dade County, Florida, (Hurricane Barrier) authorized by the Act of June 15, 1955, Public Law 71, Eighty-fourth Congress.

That portion of the project for navigation, Cedar Keys Harbor, Levy County, Florida, authorized by the River and Harbor Act of July 5, 1884, consisting of the excavation of 1,500 cubic yards from an area known as the "middle ground" within the alignment of the main ship channel.

The navigation features of the Broward County and Hillsboro Inlet, Florida, beach

erosion control and navigation project, authorized by section 301 of the River and Harbor Act of 1965.

The Sebastian Channel feature of the project for navigation, Intracoastal Waterway, Jacksonville to Miami, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

Those portions of the project for navigation, Jacksonville Harbor Mooring Basin, Naval, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consisting of a channel 28 feet deep by 590 feet wide extending from Laura Street to Saint Elmo W. Acosta Bridge; a channel and floodway along the south side of Commodore Point; and an approach and mooring basin at the Naval Reserve Armory near the Main Street bridge.

That portion of the project for navigation, Key West Harbor, Monroe County, Florida, authorized by the River and Harbor Act of September 19, 1890, consisting of two uncompleted jetties at the entrance to the northwest channel.

The uncompleted portions of the project for navigation, Miami Harbor, Miami River, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portions consist of widening the mouth of the Miami River; providing a channel 8 feet by 20 feet from the mouth of the river to the Intracoastal Waterway, thence 100 feet wide to Government Cut; and providing a channel 12 feet by 100 feet from Miami to a harbor of refuge in Palmer Lake.

The Stuart turning basin feature of the project for navigation, Okeechobee Waterway, Martin County, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Oklawaha River, Florida, authorized by the River and Harbor Act of March 2, 1907, consisting of a channel 6 feet deep from the mouth of the river to the head of Silver Springs Run.

That portion of the project for navigation, Palm Beach Harbor, Florida, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, consisting of a channel 16 feet deep and 150 feet wide from the Palm Beach Harbor Channel to an anchorage basin 16 feet deep, 750 feet wide, and 2,000 feet long in Lake Worth opposite Tangier Avenue.

The project for beach erosion control, Lake Worth Inlet to South Lake Worth Inlet, Palm Beach County, Florida, authorized by the River and Harbor Act of 1958, except the transfer plant.

The Carrabelle to St. Marks portion of the Gulf Intracoastal Waterway, Apalachicola Bay to Saint Marks River, Florida, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress; the Act of July 23, 1942 (Public Law 675, Seventy-seventh Congress); and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The modification of the project for navigation, Pensacola Harbor, Florida, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

That portion of the project for navigation, Saint Augustine Harbor, Florida, authorized by the River and Harbor Act of 1950, which portion consists of the uncompleted future



landward extension of the groin and jetty on the northside of the inlet.

That portion of the project for navigation, Tampa Harbor, Florida, authorized by the Flood Control Act of 1970, which portion consists of the last incremental one-foot depth for underkeel clearance.

#### GEORGIA

The project for hydroelectric power, Alabama-Coosa River Basin, Canton Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Cartecay Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Gilmer Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Kingston Lake, Georgia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for hydroelectric power, Lazer Creek Lake, Georgia, authorized by the Flood Control Act of 1965.

The project for hydroelectric power, Lower Auchumpkee Creek Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

The project for hydroelectric power, Spewrell Bluff Lake, Georgia, authorized by the Act of December 30, 1963, Public Law 88-253.

#### HAWAII

The project for navigation, Ala Wai Harbor, Oahu, Hawaii, authorized by the River and Harbor Act of 1968.

The project for beach erosion control, Hanapepe Bay Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

The project for navigation, Kaunakakai Deep Draft Harbor, Molokai, Hawaii, (modification) authorized by the River and Harbor Act of 1962.

The project for beach erosion control, Waimea Beach Seawall, Kauai, Hawaii, authorized by the River and Harbor Act of 1958.

#### IDAHO

The project for flood control, Mud Lake Area, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, South Fork, Clearwater River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Teton River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Blackfoot Reservoir, Idaho, authorized by Flood Control Act of 1962.

The project for flood control, Boise Valley, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Cottonwood Creek Dam, Idaho, authorized by Flood Control Act of 1966.

The project for flood control, Heise-Roberts Levee Extension, Idaho, authorized by Flood Control Act of 1950, except for constructed levees along the left bank of the Snake River downstream from the mouth of Henry's Fork.

The project for flood control, Weiser River, Idaho, authorized by Flood Control Act of 1950.

The project for flood control, Whitebird Creek, Idaho, authorized by Flood Control Act of 1950.

#### ILLINOIS

The project for navigation, Chicago River, Cook County, Illinois, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The improvements to the beartraps feature of the project for navigation, Dam 43, Ohio River, Illinois, authorized by the River and Harbor Act of March 3, 1909, Public Law 317, Sixtieth Congress.

The project for flood control, Farmers Drainage and Levee District, Illinois, authorized by Flood Control Act of 1962.

The project for flood control, Freeport, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The feature of the Illinois Waterway Navigation project, Illinois, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of straightening a curve in the channel in the vicinity of Pekin, Illinois.

That portion of the project for shore protection, Kenilworth, Illinois, Shore of Lake Michigan, Illinois, authorized by the River and Harbor Act of 1954, which portion consists of protection of the Mahoney Park 200-foot long beach frontage located at the extreme south end of the village limits by constructing a steel sheet piling impermeable groin, about 200 feet long near the south lines of Mahoney Park.

The project for flood control, Levee Unit 1, Wabash River, Gallatin County, Illinois, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Levees District Numbered 21, Vandalia, Illinois, authorized by the Flood Control Act of 1958.

The project for flood control, Little Calumet River, Illinois, authorized by the Flood Control Act of 1954.

The project for flood control, Metropolis, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

That portion of the project for navigation, Mississippi River between Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress, which portion consists of construction of about 600 feet of guidewall extensions each at locks numbered 4, 5, 5A, 7, 8, 9, and 10.

The project for navigation, Ohio River Open Channel, Louis District, Illinois, authorized by the River and Harbor Act of March 2, 1827.

The project for navigation, Ohio River Open Channel, Ice Pier, Illinois, authorized by the River and Harbor Act of January 21, 1927.

The project for navigation, Ohio River Open Channel, Illinois, authorized by the River and Harbor Act of July 3, 1930.

The project for flood control, Peoria, Peoria County Levees, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Shawneetown, Gallatin County Levee Enlargement, Illinois, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Scott County Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, South Beloit, Illinois, authorized by the Flood Control Act of 1948.

The project for navigation, Waukegan Harbor, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 17, 1970, and resolution of the Committee on Public Works of the Senate, dated December 8, 1970.

The project for flood control, William L. Springer Lake, Illinois, authorized by the Flood Control Act of 1962.

The project for navigation, Alton Commercial Harbor, Illinois, authorized by the River and Harbor Act of 1958.

The project for flood control, Keach Drainage and Levee District, Green County, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Big Swan Drainage and Levee District, Illinois, authorized by the Flood Control Act of 1962.

The project for flood control, Fort Chartres and Ivy Landing Drainage District Numbered 5, Illinois, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and resolution of the Committee on Public Works of the Senate, dated December 17, 1970.

#### INDIANA

The project for flood control, Anderson, Madison County, Indiana, Earth Levee, authorized by the Flood Control Act of June 22, 1936, Public Law 738, 74th Congress.

The project for navigation, Illinois Waterway, Cal-Sag Channel, Part 2, Indiana, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, and the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Levees between Shelby Bridge & Baums Bridge, Indiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for flood control, Marion, Indiana, authorized by the Flood Control Act of 1968.

That portion of the project for flood control, Vincennes, Indiana, authorized by the Flood Control Act of 1946, which portion consists of the uncompleted downstream levee to connect with high ground southeast of the city.

#### IOWA

The project for flood control, Davids Creek Lake, Iowa, authorized by the Flood Control Act of 1968.

The project for navigation, Fort Madison Harbor, Iowa, authorized by the River and Harbor Act of 1968.

The project for navigation, Keokuk Small Boat Harbor, Iowa, authorized by the River and Harbor Act of 1962.

The project for flood control, Missouri Levee System (units L-753, L-747, L-739, L-733, L-729, L-728, L-715, L-700, L-691, L-670, L-651, L-650, L-643, L-637, L-528), Iowa, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

#### KANSAS

The project for flood control, El Dorado, West Branch, Walnut River, Butler County, Kansas, authorized by the Flood Control Act of 1965.

The project for flood control, Garnett Lake, Pottawatomie Creek, Kansas, authorized by the Flood Control Act of 1954.

The project for flood control, Grove Lake, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Indian Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for navigation, Kansas River Navigation, Kansas, authorized by the River and Harbor Act of 1965.

The project for flood control, Missouri River Levee System, Kansas, (units R402 and R395-393) authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Neodesha Lake, Wilson County, Verdigris River, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

The project for flood control, Tomahawk Lake, Blue River, Johnson County, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Towanda Lake, Kansas, authorized by the Flood Control Act of 1965.

The modification to the project for flood control, Tuttle Creek Lake, Kansas, authorized by section 18 of the Water Resources Development Act of 1974, which modification consists of relocation of a portion of FAS 1208.

The project for flood control, Wolf-Coffee Lake, Kansas, authorized by the Flood Control Act of 1970.

The project for flood control, Cedar Point Lake, Kansas, authorized by the Flood Control Act of 1950.

The project for flood control, Cow Creek-Hutchison, Kansas, authorized by the Flood Control Act of 1962.

The project for flood control, Missouri River Levee System Levee R414, Kansas, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

#### KENTUCKY

The project for flood control, Caseyville, Union County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Cloverport, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Concordia, Meade County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The section A-A portion of the floodwall of the project for flood control, Louisville, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Middlesboro, Yellow Creek, Bell County, Kentucky, authorized by the Flood Control Act of December 22, 1944, Public Law 534, Seventy-eighth Congress.

The project for flood control, Tolu, Crittenden County, Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

#### LOUISIANA

The project for flood control, Black Bayou, Reservoir, Caddo Parish, Louisiana, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Overton-Red River Waterway above Mile 31, Louisiana,

authorized by the River and Harbor Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

A portion of the project for navigation, Bayou La Fourche, Louisiana, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which portion consists of a 6-foot deep by 60-foot wide channel, 22 miles in length from Thibodaux to Lockport, Louisiana.

#### MAINE

That portion of the project for navigation, Bar Harbor, Maine, authorized by the River and Harbor Act of August 11, 1888, and the River and Harbor Act of September 19, 1890, which portion consists of completing the breakwater to its fully authorized cross-section.

The Dickey-Lincoln School project, Saint John River, Maine, authorized by section 204 of the Flood Control Act of 1965.

That portion of the project for navigation, Kennebec River, Maine, authorized by the River and Harbor Act of June 13, 1902, which portion consists of the 27-foot channel above the bridge at Bath, Maine.

That portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 29, 1956, Public Law 630, Eighty-fourth Congress, which portion consists of an 18-foot access channel, 100 feet wide and 900 feet long to the shipyard along southern waterfront, and uncompleted portions of the outer limits of three branch channels along the central waterfront.

#### MARYLAND

The feature of the project for navigation, Baltimore Harbor and channels, Maryland, authorized by the River and Harbor Acts of August 8, 1917, January 21, 1927, July 3, 1930, October 17, 1940, March 2, 1945, July 3, 1958, and December 31, 1970, which feature consists of a navigation channel 150 feet wide to Ferry Bar and thence 27 feet deep and 150 feet wide to the Hanover Street Bridge.

#### MASSACHUSETTS

The project for navigation, Edgartown Harbor, Massachusetts, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution adopted by the Committee on Public Works of the House of Representatives on December 15, 1970, and by the Committee on Public Works of the Senate on December 19, 1970.

The feature of the project for navigation, Fall River Harbor Channel, Massachusetts, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of rock removal to a depth of 30 feet at the lower end of Hog Island Shoal at the north side of the entrance to Mount Hope Bay.

The project for navigation, Ipswich River, Massachusetts, authorized by the Flood Control Act of 1968.

The feature of the project for navigation, Nantucket Harbor of Refuge Anchorage, Massachusetts, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of 15-foot deep anchorage, 2,800 feet long by 300 to 1,100 feet wide near the west side of the inner harbor, and a 15-foot deep fairway 200 feet wide between the anchorage and the main waterfront.

The project for navigation, New Bedford and Fairhaven Harbor, Bristol County, Massachusetts, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress.

The feature of the project for navigation, Newburyport Harbor, Essex County, Massa-

chusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening the entrance channel from 12 to 15 feet and deepening the turning basin along the Newburyport waterfront from 9 to 12 feet.

The Nookagee Lake feature of the project for flood control, North Nashua River, Massachusetts, authorized by the Flood Control Act of 1968, which feature consists of a multiple-purpose earthfill dam and reservoir on the North Nashua River in Westminster, Massachusetts.

The project for navigation, Pleasant Bay, Massachusetts, authorized by the Flood Control Act of 1970.

The feature of the project for navigation, Salem Harbor, Essex County, Massachusetts, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of deepening to 10 feet a channel from deep water in the central part of Salem Harbor to Pickering Wharf near the South River.

The uncompleted groin feature of the project for beach erosion control, Winthrop Beach, Massachusetts, authorized by the River and Harbor Act of 1950.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of 1954, which feature consists of enlarging the turning basin to include the easterly 300 feet of the municipal channel.

The feature of the project for navigation, Lynn Harbor, Massachusetts, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-fourth Congress, which feature consists of deepening from 22 to 25 feet a 2.7-mile channel from Bass Point to and including a turning basin at the head of Lynn Harbor.

The project for flood control, Monoosnoc Brook, Massachusetts, authorized by the River and Harbor Act of 1966.

The project for flood control, Monoosnoc Lake, Worcester County, Massachusetts, authorized by the River and Harbor Act of November 7, 1966.

The feature of the project for beach erosion control, Cape Cod Canal to Provincetown, Massachusetts (Town Neck Beach), authorized by the River and Harbor Act of 1960 which feature consists of widening approximately 6,500 feet of beach east of the eastern entrance to Cape Cod Canal to 125 feet and raising the inshore end of the existing east jetty at the east entrance to such Canal.

#### MICHIGAN

The project for navigation, Forestville Harbor, Michigan, authorized by the River and Harbor Act of 1968.

The project for navigation, Middle Channel, Saint Clair River, Michigan, authorized by the River and Harbor Act of July 24, 1946, Public Law 525, Seventy-ninth Congress.

The project for flood control, Red Run Drain, Lower Clinton River, Michigan, authorized by the Flood Control Act of 1970.

The uncompleted portion of the project for navigation, Grand Marais Harbor, Michigan, authorized by the River and Harbor Act of June 14, 1880, which portion consists of widening the inner portion of the channel from 250 to 300 feet.

The uncompleted portion of the project for navigation, Keweenaw Waterway, Houghton County, Michigan, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress, which portion consists of extending



the lower entrance breakwater by 2,000 feet, including the necessary alteration or replacement of structures due to channel deepening.

The turning basin feature of the project for navigation, Ontonagon Harbor, Ontonagon County, Michigan, authorized by the River and Harbor Act of 1962.

The Sanilac Flats feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for major drainage improvements on Middle Branch and South Branch, Cross River, and a short reach of East Branch.

The Corunna feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides for flood protection by channel improvement, levee construction, and related work including construction of a 1,500 foot levee on the right bank; widening of two constrictive reaches of the Saginaw River at, and downstream of, the mill dam; enlargement of the spillway capacity of the mill dam; and removal of the remains of an abandoned railway bridge at the tile plant.

The Owosso feature of the project for flood control, Saginaw River, Michigan, authorized by the Flood Control Act of 1958, which feature provides flood protection by enlarging the river channel from the Ann Arbor Railroad Bridge to the city sewage treatment plant, removal of a portion of a building which encroaches on the river channel, removal of four dams and underpinning of the Main Street Bridge, and the provision of scour protection of four bridges.

The project for beach erosion control, Berrien County, Michigan (Saint Joseph Shore), authorized by the Flood Control Act of 1958.

The feature of the project for navigation, Alpena Harbor, Michigan, authorized by the River and Harbor Act of 1965, which feature consists of the proposed turning basin and breakwater reconfiguration.

#### MINNESOTA

The project for flood control, Warroad River and Bull Dog Creek, Minnesota, authorized by the Flood Control Act of 1962.

The feature of the navigation project for the Mississippi River between the Missouri River and Minneapolis, Minnesota, authorized by the River and Harbor Act of July 3, 1930, which feature consists of extension of the upper guideway about 600 feet in length at lock numbered 3.

#### MISSISSIPPI

The project for navigation, Biloxi Harbor, Old Fort Bayou, Mississippi, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Buffalo River, Mississippi, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Pascagoula Harbor, Main Channel, Mississippi, authorized by the River and Harbor Act of March 2, 1827.

#### MISSOURI

The project for recreation, Angler Use Sites, Missouri, authorized by the Flood Control Act of 1966.

The project for flood control, Braymer Lake Shoal Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Brookfield Lake, Yellow Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, East Muddy Creek, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mercer Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mississippi River Agricultural Area 12, Missouri, authorized by the Flood Control Act of 1966.

The project for flood control, Pattonsburg Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for hydroelectric power, Pomme de Terre Lake (Power Project), Missouri, authorized by the Flood Control Act of 1954.

The project for navigation, Sandy Slough Remedial Measures, Missouri, authorized by the River and Harbor Act of 1962.

The project for flood control, Trenton Lake, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Upper Grand River, Missouri, authorized by the Flood Control Act of 1965.

The project for flood control, Mill Creek Lake, Missouri, authorized by the Flood Control Act of 1970.

#### NEBRASKA

The project for flood control, Little Nemaha River, Nemaha County, Nebraska, authorized by the Flood Control Act of 1965.

#### NEVADA

The project for flood control, Gleason Creek Dam, Nevada, authorized by the Flood Control Act of 1960.

The project for flood control, Humboldt River and Tributaries, Nevada, authorized by the Flood Control Act of 1950.

#### NEW JERSEY

The feature of the project for navigation, Newark Bay, Hackensack and Passaic Rivers, New Jersey, authorized by the River and Harbor Act of 1954 and by the River and Harbor Act of 1966 which feature consists of deepening of portions of the Hackensack River to 32 and 15 feet.

#### NEW MEXICO

The project for flood control, Rio Grande Floodway, New Mexico, San Acacia to Bosque, del Apache Unit, authorized by the Flood Control Act of June 30, 1948, Public Law 858, Eightieth Congress, and the Flood Control Act of 1950.

The project for flood control, Rio Grande Floodway, New Mexico, Espanola Valley Unit, authorized by the Flood Control Act of June 30, 1948, Public Law 858, Eightieth Congress, and the Flood Control Act of 1950.

#### NEW YORK

The project for flood control, Allegany, New York, Unit 2, Five Mile Creek, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for flood control, Allegany, New York, Unit 1, Allegheny River, authorized by the Flood Control Act of July 24, 1946, Public Law 526, Seventy-ninth Congress.

The project for navigation, Hudson River, New York City to Albany (12-foot harbors), New York, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress.

The project for navigation, Hudson River, New York City to Albany (27-foot channel), New York, authorized by the Act of March 3, 1925, Public Law 585, Sixty-eighth Congress.

The project for navigation, Ogdensburg Harbor, New York, authorized by the River and Harbor Act of August 30, 1935, Public Law 409, Seventy-third Congress.

The project for flood control, Red Creek, New York, authorized by the Flood Control Act of 1966.

The uncompleted portion of the project for navigation, Ticonderoga River, Essex County, New York, authorized by the River and Harbor Act of March 3, 1881.

The project for navigation, Cape Vincent Harbor, New York, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, East Chester Creek, New York, authorized by the River and Harbor Act of 1950.

The project for hurricane protection, East Rockaway Inlet to Rockaway Inlet, Part 2, New York, authorized by the Flood Control Act of 1965.

The project for flood protection, Hammondsport, Glen Brook (Glen Brook Flume), New York, authorized by the Flood Control Act of August 18, 1941, Public Law 228, Seventy-seventh Congress.

#### NORTH CAROLINA

The feature of the project for navigation, Atlantic Intracoastal Waterway—Peltier Creek, Carteret County, North Carolina, authorized by the River and Harbor Act of 1954, which feature includes a 12-foot channel. Maintenance of the existing 6-foot deep by 50-foot wide channel shall remain authorized.

The project for navigation, Atlantic Intracoastal Waterway Tidal Lock in Snows Cut, North Carolina, authorized by the River and Harbor Act of January 21, 1927, Public Law 560, Seventieth Congress.

The unconstructed portion of the project for flood control, Carolina Beach and Vicinity, South Area, North Carolina, authorized by the Flood Control Act of 1962, which portion extends south of the town limits of Carolina Beach.

The feature of the project for beach erosion control, Fort Macon State Park, North Carolina, authorized by the River and Harbor Act of 1962 and the Flood Control Act of 1962, which feature includes placing of capstone and remaining portions of beach fill and replenishment thereof.

The feature of the project for navigation, Morehead City Harbor, North Carolina, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

The project for beach stabilization and hurricane protection, Ocracoke Island, North Carolina, authorized by the Flood Control Act of 1965.

The project for beach stabilization and hurricane protection, Ocracoke Island-Village Shore, North Carolina, authorized by the Flood Control Act of 1965.

The feature of the project for navigation, Ocracoke Inlet Jetty, Hyde County, North Carolina, authorized by the River and Harbor Act of 1960, which feature consists of a single jetty extending from Ocracoke Island to the 20-foot depth in the Atlantic Ocean.

The portion of the project for navigation, Roanoke River, Halifax County, North Carolina, authorized by the River and Harbor Act of June 20, 1938, Public Law 685, Seventy-fifth Congress, which portion consists of constructing a 50-mile-long channel above Palmyra Landing to Weldon, North Carolina, 5 feet deep and 50 feet wide by dredging, snagging, and regulating.

## OHIO

The additional beartraps, guardwalls, and extension of guidewalls features of the project for navigation, Ohio River, Ohio, authorized by the Flood Control Act of 1937.

The project for flood control, Burlington, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Chesapeake, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Empire-Stratton, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Martins Ferry, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Powhatan Point, Belmont County, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Proctorville, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, South Point, Ohio, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

## OREGON

The project for flood control, Columbia Drainage District No. 1, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Deer Island Drainage District, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Shelton Ditch, Marion County, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Umpqua River-Scholfield River, Oregon, authorized by the Flood Control Act of September 22, 1922, Public Law 362, Sixty-seventh Congress, and the Flood Control Act of 1954.

The project for flood control, Cascadia Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Gate Creek Lake, Oregon, authorized by the Flood Control Act of 1962.

The project for flood control, Grande Ronde Lake, Oregon, authorized by the Flood Control Act of 1965.

The project for flood control, Grande Ronde Valley, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Holley Lake, Oregon, authorized by the Flood Control Act of 1950.

The project for flood control, Pendleton Levees, Riverside Area, Oregon, authorized by the Flood Control Act of 1950.

The uncompleted portions of the project for navigation, Willamette River above Portland and Yamill River, Oregon, authorized by the River and Harbor Act of June 3, 1896, as modified by the River and Harbor Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Willamette River at Willamette Falls, Oregon, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

## PENNSYLVANIA

The project for flood control, Brackenridge, Tarentum, and Natrona, Pennsylvania,

authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for navigation, Chester River, Delaware County (8-ft. channel), Pennsylvania, authorized by the River and Harbor Act of March 2, 1919, Public Law 323, Sixty-fifth Congress.

The project for flood control, Leetsdale, Allegheny County, Levee and Drainage Facility, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Muddy Creek Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Neville Island, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, New Kensington and Parnassus, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rochester, Beaver County, Pennsylvania, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Trexler Dam and Lake, Lehigh County, Pennsylvania, authorized as part of the Delaware River Basin project pursuant to section 203 of the Flood Control Act of 1962.

The project for navigation, Youghiogheny River Canalization, Pennsylvania, authorized by the River and Harbor Act of 1930, Public Law 395, Seventy-first Congress.

The project for flood control, Aquashicola Lake, Pennsylvania, authorized by the Flood Control Act of 1962.

The project for flood control, Maiden Creek Lake Earth Dam, Pennsylvania, authorized by the Flood Control Act of 1962.

## PUERTO RICO

The project for navigation, Fajardo Harbor (28 foot Channel and Tidal Basin), Puerto Rico, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Guayanes Harbor (23 foot channel and anchorage), Puerto Rico, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

## RHODE ISLAND

The features of the project for navigation, Great Salt Pond, Newport County, Rhode Island, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which features include a 1,200-foot long north jetty at the entrance to Great Salt Pond and a 12-foot access channel and basin in the inner harbor (Trim Pond).

The features of the project for navigation, Harbor of Refuge, Block Island, Rhode Island, authorized by the River and Harbor Act of July 25, 1912, Public Law 241, Sixty-second Congress, which features include two 15-foot anchorages in the outer harbor.

The portions of the project for navigation, Pawcatuck River, Washington County, Rhode Island, authorized by the River and Harbor Act of June 3, 1896, which portions include widening the middle section of the Little Narraganset Bay channel by an additional 100 feet to 200 feet, widening a 5,000 foot section of the river channel at Avondale by an additional 100 feet to 200 feet, and by deepening a 2,000 foot section of the upper river channel by an additional 3 feet to 10 feet.

The portion of the project for navigation, Providence River and Harbor, Rhode Island, authorized by the River and Harbor Act of 1965, which portion consists of the branch channel along the India Point waterfront, 30 feet deep, 150 feet wide, and about 1,000 feet long.

The project for flood control, Westerly Hurricane Protection, Rhode Island, authorized by the Flood Control Act of 1965.

## SOUTH CAROLINA

The project for navigation, Charleston Harbor, Ft. Moultrie Anchorage Area, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for navigation, Myrtle Beach, Anchorage Basin, South Carolina, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

The project for flood control, Reedy River, Greenville, South Carolina, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 1970, and resolution of the Committee on Public Works of the Senate, dated December 1970.

## TENNESSEE

The project for navigation, Cumberland River above Nashville, Tennessee, authorized by the River and Harbor Act of August 5, 1886.

The project for navigation, Hiwassee River, Polk and Bradley Counties, Tennessee, authorized by the River and Harbor Act of August 14, 1876.

The project for flood control, Rossview Lake, Tennessee and Kentucky, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for hydroelectric power, Alabama-Coosa River Basin, Jacks River Lake, Tennessee, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

## TEXAS

The project for flood control, Alpine, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated April 11, 1974, and resolution of the Committee on Public Works of the Senate, dated May 31, 1974.

The portion of the project for navigation, Brazos Island Harbor, Texas, authorized by the River and Harbor Act of 1960, which portion consists of the north jetty extension.

The project for navigation, Brazos River, Velasco to Old Washington, Texas, authorized by the River and Harbor Act of June 13, 1902.

The project for navigation, Cedar Bayou (mile 3.0 to mile 11.0), Harris, Texas, authorized by the River and Harbor Act of September 19, 1890, as amended by the River and Harbor Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the navigation project for the Channel to Port Bolivar, Texas, authorized by the River and Harbor Act of March 2, 1907, Public Law 168, Fifty-ninth Congress, as amended by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, and the River and Harbor Act of March 2, 1919, which feature consists of a turning basin of 750 wide by 1,600 feet long and 30 feet deep.



The project for flood control, Duck Creek Channel Improvement, Texas, authorized by the Flood Control Act of 1965.

The portion of the project for navigation, Gulf Intracoastal Waterway Channel to Harlingen, Texas, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which portion consists of a channel from mile 25.8 to mile 31.0 on the Arroyo Colorado, upstream of the turning basin between Rio Hondo and Harlingen, Texas.

The feature of the project for navigation, Gulf Intracoastal Waterway-Chocolate Bayou, Texas, authorized by the River and Harbor Act of 1965, which feature consists of channel enlargement to 9 by 100 feet from channel mile 8.2 to channel mile 13.2 and construction of a turning basin 600 feet wide and 9 feet deep at channel mile 13.2 on Chocolate Bayou.

The portion of the project for navigation, Houston Ship Channel, Greens Bayou, Texas, authorized by the River and Harbor Act of 1965, which portion consists of the upper 1.1 mile increment of the project channel on Greens Bayou.

The portion of the project for navigation, Gulf Intracoastal Waterway, Texas, Channel Relocation in Matagorda Bay, authorized by the River and Harbor Act of June 25, 1910, Public Law 264, Sixty-first Congress, as amended by the River and Harbor Act of 1925, Public Law 585, Sixty-eighth Congress, the River and Harbor Act of January 21, 1927, Public Law 560, Sixty-ninth Congress, the River and Harbor Act of July 23, 1942, Public Law 675, Seventy-seventh Congress, and the River and Harbor Act of 1962, which portion consists of the relocation of a segment of the Gulf Intracoastal Waterway in Matagorda Bay between miles 454.3 and 471.3.

The project for flood control, Lake Brownwood, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Lake Fork Lake-Lake Fork Creek, Texas, authorized by the Flood Control Act of 1970.

The project for flood control, Navasota Lake, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Pecan Bayou Lake, Texas, authorized by the Flood Control Act of 1968.

The project for flood control, Peyton Creek, Matagorda County, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolutions of the Committee on Public Works of the House of Representatives and the Committee on Public Works of the Senate, dated October 12, 1972.

The project for flood control, Plainview, Texas, authorized by section 201 of the Flood Control Act of 1965 and approved by resolution of the Committee on Public Works of the House of Representatives, dated December 15, 1970, and the Committee on Public Works of the Senate, dated December 17, 1970.

The project for flood control, Roanoke Lake, Texas, authorized by the River and Harbor Act of 1965.

The portion of the project for navigation, Sabine Neches Waterway Channel to Echo, Texas, authorized by the River and Harbor Act of 1962, which portion consists of the unconstructed channel in the Sabine River between Orange and Echo, Texas.

The project for navigation, Sabine River, Echo to Morgan Bluff, Texas, authorized by the Flood Control Act of 1970.

The Dallas Floodway Extension feature of the Trinity River project for flood control,

Trinity River and tributaries, Texas, authorized by the Flood Control Act of 1965.

The Liberty Local Protection feature of the project for flood control, Trinity River and tributaries, Texas, authorized by the Flood Control Act of 1965.

#### UTAH

The project for flood control, Weber River and Tributaries, Morgan County, Utah, authorized by section 206 of the River and Harbor Act of 1968.

#### VERMONT

The project for flood control, Bennington, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress.

The project for navigation, Otter Creek, Addison County, Vermont, authorized by the River and Harbor Act of June 10, 1872.

The project for flood control, Rutland Otter Creek, Vermont, authorized by the Flood Control Act of June 22, 1936, Public Law 738, Seventy-fourth Congress, as amended by the Flood Control Act of July 31, 1947, Public Law 296, Eightieth Congress.

#### VIRGINIA

The project for navigation, Thimble Shoal Channel, Virginia, authorized by the River and Harbor Act of 1954 consisting of side channels 32 feet deep and 450 feet wide on both sides of the 1,000-foot channel.

The project for flood control, water quality control, recreation, fish and wildlife enhancement, and hydroelectric power generation, Moore's Ferry Lake, Virginia and North Carolina, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The feature of the project for navigation, Pamunkey River, Hanover and King Counties, Virginia, authorized by the River and Harbor Act of March 2, 1945, Public Law 14, Seventy-ninth Congress, which feature consists of a channel 5 feet deep and 50 feet wide between Bassett Ferry and Manquin Bridge.

#### VIRGIN ISLANDS

The uncompleted portion of the project for navigation, Christiansted Harbor-St. Croix, Virgin Islands, authorized by the River and Harbor Act of 1950, which portion consists of an approach channel 25 feet and 300 feet wide from the Caribbean Sea to and including a turning basin 25 feet deep, approximately 600 feet wide, and 900 feet long.

The portion of the project for navigation, St. Thomas Harbor, Virgin Islands, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress, which portion consists of construction of an entrance channel 36 feet deep and 600 feet wide, an anchorage area 33 feet deep, a breakwater 700 feet long between Rupert Rock and the mainland, and removal of Scorpion Rock to a depth of 36 feet.

#### WAKE ISLAND

The project for navigation, Wake Island Harbor, Wake Island, authorized by the River and Harbor Act of August 26, 1937, Public Law 392, Seventy-fifth Congress.

#### WASHINGTON

The project for flood control, Entiat River, Chelan County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Lower Walla Walla River, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Methow River, Okanogan County, Washington, authorized by the Flood Control Act of 1950.

The uncompleted portion of the project for flood control, Okanogan River, Okanogan, Washington, authorized by the Flood Control Act of 1950.

The unconstructed groin feature of the project for navigation, Quillayute River, Clallam County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress.

The feature of the project for navigation, Seattle Harbor, King County, Washington, authorized by the Act of July 3, 1930, Public Law 520, Seventy-first Congress, which feature consists of a settling basin located at the upper end of the existing Duwamish waterway navigation project about 1.4 miles above the 14th Avenue South Bridge.

The project for flood control, Spokane River, Spokane, Washington, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Yakima River at Ellensburg, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Palouse River, Whitman County, Washington, authorized by the Flood Control Act of 1950.

The project for flood control, Pullman Palouse River, Washington, authorized by the Flood Control Act of 1944.

The project for navigation, Stillaguamish River, Washington, authorized by the Act of March 2, 1945, Public Law 14, Seventy-ninth Congress.

#### WEST VIRGINIA

The project for flood control, Moundsville, Marshall County, Levees, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Panther Creek Lake, West Virginia, authorized by the Flood Control Act of 1965.

The project for flood control, Proctor, Wetzel County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Ravenswood, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Rowlesburg Lake, West Virginia, authorized by the Flood Control Act of 1965.

The project for flood control, Warwood, Ohio County, Wall and Drainage, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, North Wheeling, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling, Ohio County, Levees, Walls and Pumping Plant, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Wheeling Island, Ohio County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Birch Lake, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

The project for flood control, Woodlands, Marshall County, West Virginia, authorized by the Flood Control Act of June 28, 1938, Public Law 761, Seventy-fifth Congress.

## WISCONSIN

The project for navigation, Hudson Small Boat Harbor, Wisconsin, authorized by the Flood Control Act of 1950.

The project for navigation, Cassville Small Boat Harbor, Grant County, Wisconsin, authorized by the River and Harbor Act of 1962.

## WYOMING

The project for flood control, Buffalo, Johnson County, Diversion Channel, Wyoming, authorized by the Flood Control Act of 1950.

SEC. 1002. (a) The project for navigation at Eastport Harbor, Maine, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 480), is not authorized after the date of enactment of this Act.

(b) The Secretary shall transfer without consideration to the city of Eastport, Maine, title to any facilities and improvements constructed by the United States as part of the project described in subsection (a) of this section. Such transfer shall be made as soon as practicable after the date of enactment of this Act. Nothing in this section shall require the conveyance of any interest in land underlying such project title to which is held by the State of Maine.

SEC. 1003. (a) The project for flood control, Lakeport Lake, California, authorized by the Flood Control Act of 1965, is not authorized after the date of enactment of this Act.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, the Secretary shall, during the five-year period beginning on the date of enactment of this Act, make all lands acquired by the United States for the Lakeport Lake project available for purchase by the Lake County Flood and Water Conservation District at the price at which such lands were acquired by the United States. Such District may waive the right to purchase any lands under the preceding sentence at any time during such period.

(c) Any conveyance of land under subsection (b) shall be made on the condition that the Lake County Flood and Water Conservation District administer such land for flood control and related purposes. If, at any time after such conveyance, such land is not so administered, all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

SEC. 1004. (a) The Onaga Lake project, Vermillion Creek, Kansas, authorized by the Flood Control Act of 1962 (Public Law 87-874), is not authorized after the date of enactment of this Act.

(b) The Secretary shall expedite the current study under section 216 of the Flood Control Act of 1970 with respect to the addition of water supply storage at Tuttle Creek Lake, Kansas.

SEC. 1005. (a) The portion of the flood control project for the Illinois River and tributaries, Illinois, Wisconsin, and Indiana, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1189) which is to be located on the Sangamon River, Illinois, about 1 mile upstream from Decatur, Illinois, and which is known as the William L. Springer Lake project is not authorized after the date of enactment of this Act.

(b) Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 and any other provision of law, before any lands acquired by the United States for the William L. Springer Lake project referred to in subsection (a) of

this section are sold or otherwise disposed of or used for any purpose other than to carry out such project, such lands shall first be made available for purchase by the city of Decatur, Illinois, at the price at which such lands were acquired by the United States.

## PART XI—GENERAL PROVISIONS

SEC. 1101. (a) The objectives of enhancing regional economic development, the quality of the total environment (including its protection and improvement), the well-being of the people of the United States, the prevention of loss of life, preservation of cultural and historical values, and national economic development shall be the objectives to be included in water resources projects carried out by the Secretary, and the benefits and costs attributable to such objectives, both quantifiable and unquantifiable, shall be included in the evaluation of the benefits and costs of such projects.

(b) Notwithstanding any other provision of law, for purposes of analyzing in accordance with the first section of the Flood Control Act of June 22, 1936 (49 Stat. 1570; 33 U.S.C. 701a), the costs and benefits of a water resources project which includes any element which provides flood protection to any distressed low-income area, as determined by the Secretary, the benefits to be derived from carrying out such element shall be deemed to exceed the costs of carrying out such element.

SEC. 1102. (a) In the case of any water resources study authorized to be undertaken by the Secretary, the Secretary shall prepare a feasibility report. Such feasibility report shall describe, with reasonable certainty, the environmental benefits and detriments, the costs and benefits attributable to each of the objectives set forth in section 1101 of this title, the engineering features (including hydrologic and geologic information), the public acceptability, and the purposes, scope, and scale of the recommended plan. The feasibility report shall also include the views of other Federal agencies and non-Federal agencies with regard to the recommended plan, a description of a non-structural alternative to the recommended plan when such plan does not have significant nonstructural features, and a description of the Federal and non-Federal participation in such plan, and shall demonstrate that States, other non-Federal interests, and Federal agencies have been consulted in the development of the recommended plan. This subsection shall not apply to (1) any study with respect to which a report has been submitted to Congress before the date of enactment of this Act, (2) any study for a project which project is authorized by this Act, and (3) any study for a project which is authorized under any of the following sections: section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(b) Before preparing any feasibility report under subsection (a), the Secretary shall first perform, at full Federal expense, a reconnaissance survey of the potential water resources project for the purpose of defining water resources problems and needs to be addressed by such project and identifying potential solutions to such problems in suf-

ficient detail to enable the Secretary to determine whether or not planning of such project should proceed to the preparation of such feasibility report. Such survey shall include a preliminary analysis of the Federal interest, costs, benefits, and environmental impacts of such project and an estimate of the costs of preparing the feasibility report.

(c)(1) Non-Federal interests shall contribute 25 per centum of the cost of any feasibility report for any water resources study prepared by the Secretary. Not less than one-half of such non-Federal contribution shall be made by payments, and not more than one-half of such contribution may be made by the provision of services, materials, or supplies necessary to prepare the feasibility report. Any amount contributed by non-Federal interests under this paragraph shall be credited toward the non-Federal share, if any, of the cost of construction of the project for which such report is prepared.

(2) This subsection shall only apply to any water resources study for which no Federal funds have been obligated before the date of enactment of this Act. This subsection shall not apply to any water resources study for any navigation improvement to the inland waterway system.

SEC. 1103. In the evaluation by the Secretary of benefits and costs of a water resources project, the benefits attributable to measures included in a project for the purpose of environmental quality, including protection and improvement of the environment, mitigation of project-caused fish and wildlife losses (including habitat), and fish and wildlife enhancement shall be deemed to be at least equal to the costs of such measures.

SEC. 1104. There is established an Environmental Protection and Mitigation Fund. There is authorized to be appropriated to such fund \$35,000,000 for fiscal years beginning after September 30, 1983. Amounts in the fund shall be available for undertaking, in advance of construction of any water resources project authorized to be constructed by the Secretary, such measures authorized as part of such project, including the acquisition of lands and interests therein, as may be necessary to ensure that project-induced losses to fish and wildlife production and habitat will be mitigated. The Secretary shall reimburse the Fund for any amounts expended under this section for a water resources project from the first appropriations made for construction, including planning and designing, of such project.

SEC. 1105. (a) The Secretary, in coordination with the Secretary of the Interior and in consultation with appropriate Federal, State, and local agencies, is authorized to study the water resources needs of river basins and regions of the United States. The Secretaries shall report the results of such study to Congress not later than October 1, 1987.

(b) In carrying out the studies authorized under subsection (a) of this section, the Secretaries shall consult with State, interstate, and local governmental entities.

SEC. 1106. (a) The Secretary may establish and develop separate campgrounds for individuals sixty-two years of age or older at any lake or reservoir under the jurisdiction of the Secretary where camping is permitted.

(b) The Secretary may prescribe regulations to control the use of and the access to any separate campground established and developed under subsection (a) of this section.



(c) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1983, to carry out subsection (a) of this section.

(d) The Secretary shall establish and develop the parcel of land (located in the State of Texas at the Sam Rayburn Dam and Reservoir) described in subsection (g) of this section as a separate campground for individuals sixty-two years of age or older.

(e) The Secretary shall prescribe regulations to control the use of and the access to the separate campground established and developed pursuant to subsection (d) of this section.

(f) There are authorized to be appropriated for fiscal years beginning after September 30, 1983, \$600,000 to carry out subsection (d) of this section.

(g) The parcel of land to be established and developed as a separate campground pursuant to subsection (d) of this section is a tract of land of approximately 50 acres which is located in the county of Angelina in the State of Texas and which is part of the Thomas Hanks survey. The boundary of the parcel begins at a point at the corner furthest west of tract numbered 3420 of the Sam Rayburn Dam and Reservoir:

thence north 81 degrees 30 minutes east, approximately 2,800 feet to a point at the edge of the water;

thence south along the edge of the water approximately 2,600 feet;

thence north 80 degrees 30 minutes west, approximately 1,960 feet to a point at the reentrant corner of tract numbered 3419 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3419 north 46 degrees 15 minutes west, 220 feet to a point at the center line of a road at the corner common to tract numbered 3419 and tract numbered 3420;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 230 feet to a point at the corner furthest east of tract numbered 3424 of the Sam Rayburn Dam and Reservoir;

thence along the boundary line of tract numbered 3424 south 32 degrees 4 minutes west, 420 feet to a point;

thence along the boundary line of tract numbered 3424 north 28 degrees 34 minutes west, 170 feet to a point;

thence along the boundary line of tract numbered 3424 north 38 degrees 15 minutes east, 248 feet to a point;

thence along the boundary line of tract numbered 3424 north 32 degrees 44 minutes east, 120 feet to a point at the corner furthest north of tract numbered 3424;

thence along the southwestern boundary line of tract numbered 3420 north 46 degrees 15 minutes west, 460 feet to the beginning point.

Sec. 1107. Section 2(h) of the Act entitled "An Act to deauthorize several projects within the jurisdiction of the Army Corps of Engineers" (Public Law 97-128) is amended to read as follows:

"(h) The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to undertake, at full Federal expense, such structural and nonstructural measures as he determines to be economically and engineeringly feasible to prevent flood damage to communities along the route of the Meramec River and its tributaries in Saint Louis, Jefferson, and Franklin Counties, Missouri, at an estimated cost of \$100,000,000. Such structural measures shall not include the construction of any dam or reservoir on the Meramec River."

Sec. 1108. Section 111 of the River and Harbor Act of 1968 is amended by inserting after "construct projects" the following: "(both structural and nonstructural)".

Sec. 1109. (a) Section 4 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (Public Law 92-367; 33 U.S.C. 467c), is amended by inserting "(a)" immediately after "Sec. 4.", and by adding at the end thereof the following new subsection:

"(b) In any case where the Secretary determines that a dam inspected under this Act or under the authority of any other Federal law which is owned by a State, a political subdivision thereof, or any other such public agency or instrumentality is in such a hazardous condition that it is a danger to human life or property, the Secretary is authorized to restore such dam to a safe condition if the State, political subdivision, or other public agency or instrumentality owning such dam agrees prior to any such restoration (1) to repay to the United States, over a period not to exceed fifty years from the date of completion of the restoration, all costs of such restoration, together with interest, at a rate computed in accordance with section 301(b) of the Water Supply Act of 1958, and (2) to maintain such dam upon completion of such restoration in a safe condition. The Secretary is not authorized to carry out any of the work described in this subsection unless the State in which the work is to be accomplished has in existence and is maintaining a dam safety program for non-Federal dams which insures that non-Federal dams are built in accordance with sound engineering practice, protect the safety of the public, and are maintained in safe condition."

(b) Section 3 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams" (Public Law 92-367; 33 U.S.C. 467b) is amended by adding after the first sentence thereof the following new sentence: "In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense."

(c) The Secretary, in accordance with section 4 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972, as amended by subsection (a) of this section, shall repair the spillway and undertake such other measures as the Secretary determines are necessary to restore the safety of the dam used to supply water to Schuyler County Public Water Supply District Number 1, Missouri.

(d) The Secretary, in accordance with such section 4, shall make necessary repairs to the Milton Dam in Mahoning County, Ohio, in accordance with the remedial measures described in the report of the District Engineer, Pittsburgh District, entitled "Milton Dam, Mahoning County, Ohio, Investigation to Determine the Adequacy of Structural and Hydraulic Components", dated February 1980.

(e) Section 5 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams", approved August 8, 1972 (86 Stat. 507), is amended by inserting "(a)" after "Sec. 5." and by adding at the end thereof the following new subsection:

"(b) The Secretary shall annually update the inventory of dams required to be prepared under subsection (a) and submit a report to the Congress on the results of such update. In conducting such update, the Secretary shall take into account any other review of dams which the Secretary has conducted under the authority of any other law."

Sec. 1110. (a) Section 202(f) of the Water Resources Development Act of 1976 is amended to read as follows:

"(f) There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years beginning after September 30, 1983."

(b) The Secretary shall develop, implement, and maintain a project under section 202 of the Water Resources Development Act of 1976 for removal of drift and debris from Buffalo Harbor, New York, and removal of dilapidated structures from the adjacent shoreline.

Sec. 1111. Lake Pend Oreille, Idaho, is hereby declared to be not a navigable water of the United States for purposes of section 10 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1899 (33 U.S.C. 403).

Sec. 1112. Section 104(b) of the River and Harbor Act of 1958, as amended, is amended by striking out "\$10,000,000" and inserting in lieu thereof "\$12,000,000".

Sec. 1113. Upon request of the Governor of a State, or the appropriate official of local government, the Secretary is authorized to provide designs, plans, and specifications, and such other technical assistance as he deems advisable, at Federal expense, to such State or local government for its use in carrying out projects for removing accumulated snags and other debris, and clearing and straightening channels in navigable streams and tributaries thereof.

Sec. 1114. (a) The Secretary shall undertake a program to increase his capability to control river ice and harbor ice, and to assist communities in breaking up such ice that would otherwise be likely to cause or aggravate flood or other damage or severe streambank erosion.

(b) The Secretary is further authorized to provide technical assistance to units of local government to implement local plans to control or break up river ice and harbor ice. As part of such authority, the Secretary is authorized to purchase, utilize, and, if requested by units of local government, loan any necessary ice-control or ice-break equipment to such units of local government.

(c) The sum of \$5,000,000 is authorized to be appropriated to the Secretary for each of the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986, to implement this section.

Sec. 1115. The laws of the United States relating to the improvement of rivers and harbors, flood control, beach erosion, and other water resource development enacted after November 8, 1966, and before January 1, 1984, shall be compiled under the direction of the Secretary of the Army and the Chief of Engineers and printed for the use of the Department of the Army.

Sec. 1116. The Secretary is authorized to preserve, restore, interpret, and maintain those historic properties located on water resource development projects under the jurisdiction of the Department of the Army if such properties have been entered into the National Register of Historic Places.

Sec. 1117. Subsection (b) of section 120 of the Water Resources Development Act of 1976 is amended to read as follows:

"(b) There is authorized to be appropriated \$10,000,000 per fiscal year for each fiscal year beginning after September 30, 1983, to carry out this section."

Sec. 1118. (a) The Secretary shall, notwithstanding any other provision of law, convey to the Metropolitan Park District of Columbus and Franklin County, Ohio, all right, title, and interest of the United States in and to all or any part of the eight hundred thirty-four and nine one-hundredths acres of land which were acquired for the Big Darby Lake flood control project and which have been determined to be surplus property. The Secretary shall convey any such right, title, and interest for consideration in an amount equal to the consideration paid by the Secretary for acquisition of such right, title, and interest for such project.

(b) The conveyance of land under subsection (a) of this section shall be made on the condition that such Park District administer such land for park purposes. If, at any time after such conveyance, such land is not so administered, all right, title, and interest in such land shall revert to the United States which shall have immediate right of reentry thereon.

Sec. 1119. Section 16(b) of the Water Resources Development Act of 1974 is amended by striking out "\$1,342,000" and all that follows through the period at the end of such section and inserting in lieu thereof "\$1,700,000."

Sec. 1120. The Secretary shall maintain the navigation project for the Delaware River, Philadelphia to the sea, and the navigation project for the Delaware River, Trenton to Philadelphia, to their authorized dimensions.

Sec. 1121. (a) Downstream recreation on the Gauley River is declared to be an additional project purpose of the Summersville Project, West Virginia. During the fall flood control drawdown period for the project, the Secretary shall provide releases from the Summersville Dam for whitewater recreation in the 26 mile tailwater segment of the Gauley River commencing at the base of such dam. Releases at times and levels (minimum 2,400 cubic feet per second) suitable for such recreation shall commence on the first weekend after Labor Day of each year and continue during each weekend thereafter (and during such weekday periods as the Secretary finds appropriate) for approximately five weeks or until commencement of the traditional West Virginia Department of Natural Resources fish stocking program in the tailwaters area (during hunting season), whichever comes first.

(b)(1) To the extent feasible, whitewater recreation releases in addition to those referred to in subsection (a) may be scheduled by the Secretary during Spring and Summer. Such releases shall not be injurious to fish in the tailwaters of the Summersville Dam or to recreation, including fishing, in the Summersville Lake, as determined by the Secretary, in consultation with the West Virginia Department of Natural Resources and shall be compatible with other project purposes of the Summersville Project.

(2) For purposes of scheduling releases under this subsection, the Secretary may provide for daily increments of water storage during weekdays (until lake levels reach not more than 12 inches above summer pool

level) to be released on weekends at time and levels (minimum 2400 cubic feet per second) suitable for whitewater recreation. Such releases shall be scheduled only during periods after the lake is filled to summer level and when inflow into the lake during the previous week is adequate. A scheduled release may be cancelled at any time if the release would reduce lake levels below the summer pool level.

(c) The Secretary may temporarily suspend (for such period as may be necessary) or modify any release required under subsection (a) or scheduled under subsection (b) when necessary for purposes of flood control or any other project purpose, or for reasons of public health and safety.

(d) The Secretary shall schedule the whitewater recreation releases under subsection (b) as early as adequate hydrological data is available and shall, to the maximum extent feasible, provide early advance public notice of all such releases, of all whitewater recreation releases to be provided under subsection (a), and of all suspensions, modification, or cancellations of such releases.

Sec. 1122. (a) To ensure the coordinated development and enhancement of the Upper Mississippi River system, it is hereby declared to be the intent of Congress to recognize that system as a nationally significant ecosystem and a nationally significant commercial navigation system. Congress further recognizes that the system provides a diversity of opportunities and experiences. The system shall be administered and regulated in recognition of its several purposes.

(b) For purposes of this section—

(1) the terms "Upper Mississippi River system" and "system" mean those river reaches having commercial navigation channels on the Mississippi River main stem north of Cairo, Illinois; the Minnesota River, Minnesota; Black River, Wisconsin; Saint Croix River, Minnesota and Wisconsin; Illinois River and Waterway, Illinois; and Kaskaskia River, Illinois;

(2) the term "master plan" means the comprehensive master plan for the management of the Upper Mississippi River system dated January 1, 1982, prepared by the Upper Mississippi River Basin Commission and submitted to Congress pursuant to Public Law 95-502; and

(3) the term "GREAT I, GREAT II, and GRRM studies" means the studies entitled "GREAT River Environmental Action Team—GREAT I—A Study of the Upper Mississippi River", dated September 1980, "GREAT River Environmental Action Team—GREAT II—A Study of the Upper Mississippi River", dated December 1980, and "GREAT River Resource Management Study", dated September 1982.

(c)(1) Congress hereby approves the master plan as a guide for future water policy on the Upper Mississippi River system.

(2) Subsection (1) of section 101 of Public Law 95-502 is repealed. Section 101(b) of such Public Law is amended by striking out the parenthetical clause in the last sentence.

(d)(1) The consent of the Congress is hereby given to the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, or any two or more of such States, to enter into agreements, not in conflict with any law of the United States, for cooperative effort and mutual assistance in the comprehensive planning for the use, protection, growth, and development of the Upper Mississippi River system, and to establish such agencies, joint or otherwise, or designate an ex-

isting multi-State entity, as they may deem desirable for making effective such agreements.

(2) The Secretary is authorized to enter into cooperative agreements with the Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection to promote and facilitate active State government participation in the river system management, development, and protection.

(3) The Upper Mississippi River Basin Association or any other agency established under paragraph (1) of this subsection is hereby designated by Congress as the caretaker of the master plan. Any changes to the master plan recommended by the Secretary shall be submitted to such association or agency for review. Such agency or association may make such comments with respect to such recommendations as such agency or association deems appropriate and shall transmit such comments to the Secretary. The Secretary shall transmit such recommendations along with the comments of such agency or association to the Congress for approval.

(e)(1) The Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, is authorized to undertake, as identified in the master plan—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement;

(B) implementation of a long-term resource monitoring program; and

(C) implementation of a computerized inventory and analysis system.

(2) Each program referred to in paragraph (1) shall be carried out over a ten-year period beginning on the date of enactment of this Act. Before the last day of such ten-year period, the Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall conduct an evaluation of such programs and submit a report on the results of such evaluation to Congress. Such evaluation shall determine each such program's effectiveness, strengths, and weaknesses and contain recommendations for the modification and continuance or termination of such program.

(3) For purposes of carrying out paragraph (1)(A) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$8,200,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed \$12,400,000 for the second fiscal year beginning after the date of enactment of this Act, and not to exceed \$13,000,000 per fiscal year for each of the succeeding eight fiscal years.

(4) For purposes of carrying out paragraph (1)(B) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$7,680,000 for the first fiscal year beginning after the date of enactment of this Act and not to exceed \$5,080,000 per fiscal year for each of the succeeding nine fiscal years.

(5) For purposes of carrying out paragraph (1)(C) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$40,000 for the first fiscal year beginning after the date of enactment of this Act, not to exceed \$280,000 for the second fiscal year beginning after the date of enactment of this Act, not to exceed \$1,220,000 for the third fiscal year beginning after the date of enactment of this Act, and not to exceed \$975,000 per fiscal year for each of the succeeding seven fiscal years.



(6) The Secretary shall determine if the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin are adequately participating in the planning, construction, evaluation, and implementation of those programs authorized by paragraph (1) of this subsection during the third fiscal year after the first appropriation of funds to carry out such paragraph. If participation of the States is not adequate to allow the Secretary to carry out such paragraph, the Secretary shall submit a report to Congress asking for termination of the program's funding.

(7) None of the funds appropriated pursuant to any authorization contained in this subsection shall be considered to be chargeable to navigation.

(f)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, is authorized to implement a program of recreational projects for the system substantially in accordance with the recommendations of the GREAT I, GREAT II, and GRRM studies and the master plan reports. In addition, the Secretary shall conduct an assessment of the economic benefits generated by recreational activities in the system.

(2) For purposes of carrying out the program of recreational projects authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$500,000 per fiscal year for each of the first ten fiscal years beginning after the effective date of this Act and, for purposes of carrying out the assessment of the economic benefits of recreational activities as authorized in paragraph (1) of this subsection, there is authorized to be appropriated to the Secretary not to exceed \$300,000 per fiscal year for the first and second of such fiscal years and \$150,000 for the third of such fiscal years.

(g) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall submit to Congress annual recommendations to be undertaken to increase the capacity of specific locks throughout the system by employing nonstructural measures and making minor structural improvements.

(h)(1) The Secretary, in consultation with any agency established under subsection (d)(1) of this section, shall monitor traffic movements on the system for the purpose of verifying lock capacity, updating traffic projections, and refining the economic evaluation so as to verify the need for future capacity expansion of the system.

(2) The Secretary, in consultation with the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin, shall determine the need for river rehabilitation and environmental enhancement based on the condition of the environment, project developments, and projected environmental impacts from implementing any proposals resulting from recommendations made under subsection (g) and paragraph (1) of this subsection.

(3) There is authorized to be appropriated to the Secretary for each of the ten fiscal years beginning after the date of the enactment of this Act such sums as may be necessary to carry out this subsection.

(i)(1) The Secretary shall, as he determines feasible, dispose of dredged material from the system pursuant to the recommendations of the GREAT I, GREAT II, and GRRM studies.

(2) The Secretary shall establish and request appropriate Federal funding for a program to facilitate productive uses of dredged material. The Secretary shall work with the States which have, within their

boundaries, any part of the system to identify potential users of dredged material.

(j)(1) Notwithstanding another provision of this section, the Secretary shall enter into an interagency agreement with the Secretary of the Interior, with respect to projects and programs in the master plan for which the Department of the Interior (or any agency or bureau of the Department) is designated in the plan as the lead agency, under which the Secretary of the Interior will carry out all functions that the Secretary, but for this subsection, would carry out regarding those projects and programs.

(2) For purposes of carrying out the functions set forth in the agreement under paragraph (1) of this subsection, there is authorized to be appropriated such sums as may be necessary to the Secretary of the Interior for each of the first ten fiscal years beginning after the date of enactment of this Act. Amounts appropriated for any fiscal year under this paragraph shall be in lieu of, and shall not be in addition to, amounts authorized to be appropriated to the Secretary of the Army, acting through the Chief of Engineers, under this section for such fiscal year.

SEC. 1123. (a) To ensure the coordinated economic revitalization and environmental enhancement of the Great Lakes and their connecting channels and the Saint Lawrence Seaway (hereinafter in this section referred to as the "Great Lakes"), known as the "Fourth Seacoast" of the United States, it is hereby declared to be the intent of Congress to recognize the importance of the economic vitality of the Great Lakes region, the importance of exports from the region in the United States balance of trade, and the need to assure an environmentally and socially responsible navigation system for the Great Lakes. Congress finds that the Great Lakes provide a diversity of agricultural, commercial, environmental, recreational, and related opportunities based on their extensive water resources and water transportation systems.

(b)(1) There is hereby established a Board to be known as the Great Lakes Commodities Marketing Board (hereinafter in this subsection referred to as the "Board").

(2)(A) The Board shall develop a strategy to improve the capacity of the Great Lakes region to produce, market, and transport commodities in a timely manner and to maximize the efficiency and benefits of marketing products produced in the Great Lakes region and products shipped through the Great Lakes.

(B) The strategy shall address, among other things, environmental issues relating to transportation on the Great Lakes and marketing difficulties experienced due to late harvest seasons in the Great Lakes region. The strategy shall include, as appropriate alternative storage, sales, marketing, multimodal transportation systems, and other systems, to assure optimal economic benefits to the region from agricultural and other commercial activities. The strategy shall develop—

(i) methods to improve and promote both bulk and general cargo trade through Great Lakes ports;

(ii) methods to accelerate the movement of grains and other agricultural commodities through the Great Lakes;

(iii) methods to provide needed flexibility to farmers in the Great Lakes region to market grains and other agricultural commodities; and

(iv) methods and materials to promote trade from the Great Lakes region and

through Great Lakes ports, particularly with European, Mediterranean, African, Caribbean, Central American, and South American nations.

(C) In developing the strategy, the Board shall conduct and consider the results of—

(i) an analysis of the feasibility and costs of using iron ore vessels which are not being utilized to move grain and other agricultural commodities on the Great Lakes;

(ii) an economic analysis of transshipping such commodities through Montreal, Canada, and other ports;

(iii) an analysis of the economic feasibility of storing such commodities during the non-navigation season of the Great Lakes and the feasibility of and need for construction of new storage facilities for such commodities;

(iv) an analysis of the constraints on the flexibility of farmers in the Great Lakes region to market grains and other agricultural commodities, including harvest dates for such commodities and the availability of transport and storage facilities for such commodities; and

(v) an analysis of the amount of grain and other agricultural commodities produced in the United States which are being diverted to Canada by rail but which could be shipped on the Great Lakes if vessels were available for shipping such products during the navigation season.

(D) In developing the strategy, the Board shall consider weather problems and related costs and marketing problems resulting from the late harvest of agricultural commodities (including wheat and sunflower seeds) in the Great Lakes region.

(E) In developing the strategy, the Board shall consult United States ports on the Great Lakes and their users, including farm organizations (such as wheat growers and soybean growers), port authorities, water carrier organizations, and other interested persons.

(3) The Board shall be composed of seven members as follows:

(A) the chairman of the Great Lakes Commission or his or her delegate,

(B) the Secretary or his or her delegate,

(C) the Secretary of Transportation or his or her delegate,

(D) the Secretary of Commerce or his or her delegate,

(E) the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate,

(F) the Secretary of Agriculture or his or her delegate, and

(G) the Administrator of the Environmental Protection Agency or his or her delegate.

(4)(A) Members of the Board shall serve for the life of the Board.

(B) Members of the Board shall serve without pay and those members who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the Board, except that members of the Board shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business and engaged in the actual performance of duties vested in the Board.

(C) Four members of the Board shall constitute a quorum but a lesser number may hold hearings.

(D) The cochairmen of the Board shall be the Secretary or his or her delegate and the Administrator of the Saint Lawrence Seaway Development Corporation or his or her delegate.

(E) The Board shall meet at the call of the co-chairmen or a majority of its members.

(5)(A) The Board shall, without regard to section 5311(b) of title 5, United States Code, have a Director, who shall be appointed by the Board and shall be paid at a rate which the Board considers appropriate.

(B) Subject to such rules as may be prescribed by the Board, without regard to 5311(b) of title 5, United States Code, the Board may appoint and fix the pay of such additional personnel as the Board considers appropriate.

(C) Upon request of the Board, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Board to assist the Board in carrying out its duties under this subsection.

(6)(A) The Board may, for purposes of carrying out this subsection, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Board considers appropriate.

(B) Any member or agent of the Board may, if so authorized by the Board, take any action which the Board is authorized to take by this paragraph.

(C) The Board may secure directly from any department or agency of the United States any information necessary to enable it to carry out this subsection. Upon request of the co-chairmen of the Board, the head of such department or agency shall furnish such information to the Board.

(D) The Board may use the United States mail in the same manner and under the same conditions as other departments and agencies of the United States.

(E) The Administrator of General Services shall provide to the Board on a reimbursable basis such administrative support services as the Board may request.

(7) Not later than September 30, 1987, the Board shall transmit to the President and to each House of the Congress a report stating the strategy developed under this subsection and the results of each analysis conducted under this subsection. Such report shall contain a detailed statement of the findings and conclusions of the Board together with its recommendations for such legislative and administrative actions as it considers appropriate to carry out such strategy and to assure maximum economic benefits to the users of the Great Lakes and to the Great Lakes region.

(8) The Board shall cease to exist 180 days after submitting its report pursuant to this subsection.

(9) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection for fiscal years beginning after September 30, 1984, and ending before October 1, 1988.

(c)(1) The President shall invite the Government of Canada to join in the formation of an international advisory group whose duty it shall be (A) to develop a bilateral program for improving navigation, through a coordinated strategy, on the Great Lakes, and (B) to conduct investigations on a continuing basis and make recommendations for a system-wide navigation improvement program to facilitate optimum use of the Great Lakes. The advisory group shall be composed of five members representing the United States, five members representing Canada, and two members from the International Joint Commission established by the treaty between the United States and

Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448). The five members representing the United States shall include the Secretary of State, one member of the Great Lakes Commodities Marketing Board (as designated by the Board), and three individuals appointed by the President representing commercial, shipping, and environmental interests, respectively.

(2) The United States representatives to the international advisory group shall serve without pay and the United States representatives to the advisory group who are full time officers or employees of the United States shall receive no additional pay by reason of their service on the advisory group, except that the United States representatives shall be allowed travel or transportation expenses under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular place of business and engaged in the actual performance of duties vested in the advisory group.

(3) The international advisory group established by this subsection shall report to Congress and to the Canadian Parliament on its progress in carrying out the duties set forth in this subsection not later than one year after the formation of such group and biennially thereafter.

(d) The Secretary and the Administrator of the Environmental Protection Agency, in cooperation with the Secretary of the Interior, the Administrator of the National Oceanic and Atmospheric Administration, and other appropriate Federal and non-Federal entities, shall carry out a review of the environmental, economic, and social impacts of navigation in the United States portion of the Great Lakes. In carrying out such review, the Secretary and the Administrator shall use existing research, studies, and investigations relating to such impacts to the maximum extent possible. Special emphasis shall be made in such review of the impacts of navigation on the shoreline and on fish and wildlife habitat, including, but not limited to, impacts associated with resuspension of bottom sediment. The Secretary and the Administrator shall submit to Congress an interim report of such review not later than September 30, 1986, and a final report of such review along with recommendations not later than September 30, 1988.

Sec. 1124. In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced before such date of enactment, and which involves the acquisition of lands or interests in lands for the mitigation of fish and wildlife losses attributable to the project or for fish and wildlife enhancement, such lands or interests (1) shall be acquired before any construction of the project (other than such acquisition) commences, or (2) shall be acquired along with the acquisition of lands and interests in lands for project purposes (other than mitigation of fish and wildlife losses or enhancement of fish and wildlife), whichever the Secretary determines is appropriate.

Sec. 1125. In the case of any water resources project which is authorized to be constructed by the Secretary before, on, or after the date of enactment of this Act, construction of which has not commenced before such date of enactment, and which involves the acquisition of lands or interests in lands for recreation purposes, such lands

or interests shall be acquired along with the acquisition of lands and interests in lands for other project purposes.

Sec. 1126. The Secretary shall not require, under section 4 of the Flood Control Act of December 22, 1944 (58 Stat. 889), and the Federal Water Project Recreation Act, non-Federal interests to assume operation and maintenance of any recreational facility operated by the Secretary at any water resources project as a condition to the construction of new recreational facilities at such project or any other water resources project.

Sec. 1127. The Secretary shall establish in the Directorate of Civil Works of the Office of the Chief of Engineers an Office of Environmental Policy. Such Office shall be responsible for the formulation, coordination, and implementation of all matters concerning environmental quality and policy as they relate to the water resources program of the United States Army Corps of Engineers. Such Office shall, among other things, develop, and monitor compliance with, guidelines for the consideration of environmental quality in formulation and planning of water resources projects carried out by the Secretary, the preparation and coordination of environmental impact statements for such projects, and the coordination with Federal, State, and local agencies of environmental aspects of such projects and regulatory responsibilities of the Secretary.

Sec. 1128. (a) Section 4 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 4, 1915 (38 Stat. 1053; 33 U.S.C. 560), is amended by adding at the end thereof the following: "No funds may be accepted or expended under this section unless such acceptance and expenditure has been specifically authorized for that project by law."

(b) The proviso in section 5 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes" approved June 22, 1936 (33 U.S.C. 701h), is amended by inserting after "as advantageous in the public interest," the following: "except that no such funds may be accepted or expended unless such acceptance and expenditure has been specifically authorized for that project by law."

Sec. 1129. In addition to amounts authorized to be appropriated to carry out agreements entered into with the State of Illinois pursuant to section 110 of the River and Harbor Act of 1958 relating to the repair and modification of the Illinois and Mississippi Canal, there is authorized to be appropriated to the Secretary not to exceed \$15,000,000 to carry out such agreements.

Sec. 1130. For purposes of analyzing the costs and benefits of any project recommended by the Secretary as a result of any study on the Pearl River Basin, Mississippi and Louisiana, authorized by resolution of the Committee on Environment and Public Works of the Senate, or the Committee on Public Works and Transportation of the House of Representatives, adopted before the date of enactment of this Act, the Secretary shall take into account the costs and benefits of any measures undertaken by the Secretary pursuant to any provision of law (other than any provision of this Act) enacted after July 1, 1983, and before December 31, 1985, in the interest of preventing flood damages along the Pearl River in the vicinity of Jackson, Mississippi.



Sec. 1131. The prohibitions and provisions for review and approval of activities in waters of the United States as set forth in sections 9, 10, and 13 of the Act of March 3, 1899 (30 Stat. 1151), the first section of the Act of June 13, 1902 (32 Stat. 371), and section 404 of the Federal Water Pollution Control Act shall not apply to any works or improvements constructed or maintained now or in the future in the Great Miami River Basin, the Great Miami River, and the tributaries of the Great Miami River above river mile 7.5, by any political subdivision established pursuant to chapter 6101, Ohio Revised Code, as in effect on July 1, 1983.

Sec. 1132. Any project authorized for construction by this Act shall not be authorized after the last day of the five-year period beginning on the date of enactment of this Act unless during such period funds have been obligated for construction, including planning and designing, of such project.

Sec. 1133. (a) On and after December 31, 1989, the Secretary shall continue in effect any lease or assignment thereof to which this section applies, until such time as such lease is terminated by the leaseholder, any successors or assigns of the leaseholder, or by the Secretary under subsection (b) of this section. Any such continuation beyond the date of expiration of such lease as in effect on December 31, 1989, shall be at fair market rentals and on such other reasonable terms and conditions not inconsistent with this section as the Secretary deems necessary. No continuation shall be made beyond such date unless the leaseholder agrees to hold the United States harmless from any claim for damages or injury to persons or property arising from occupancy of or through the use of the property subject to such lease.

(b)(1) On and after December 31, 1989, the Secretary and any other officer or employee of the United States shall not terminate a lease to which this section applies, except as provided in paragraph (2) of this subsection.

(2) On and after December 31, 1989, the Secretary may terminate a lease to which this section applies only if—

(A) the property covered by the lease is needed for immediate use for public park purposes or other higher public use or for a navigation or flood control project; or

(B) the leaseholder substantially violates a provision of such lease.

(c) Subsections (a) and (b) of this section apply to (1) any cottage site lease of property, which lease was entered into by the Secretary of the Army pursuant to section 4 of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved December 22, 1944 (58 Stat. 889; 16 U.S.C. 460d), and is in effect on December 31, 1989, and (2) any assignment of such a lease.

(d) On and after December 31, 1989, no houseboat, floating cabin, marina (including any with sleeping facilities), or lawfully installed dock or cabin and appurtenant structures shall be required to be removed from any Federal water resources reservoir or lake project administered by the Secretary on which it was located on the date of enactment of this Act, if such property is maintained in usable condition, and, in the judgment of the Secretary, does not occasion a threat to life or property, except where necessary for immediate use for public purposes or other higher public use or for a navigation or flood control project.

Sec. 1134. In the construction of any water resources project, the Secretary is authorized to make only such modifications—

(1) as reflect changes in construction costs (including costs of real property acquisitions, preconstruction studies, planning, and engineering and design), as are indicated by engineering and other appropriate cost indexes;

(2) as do not materially alter the scope or functions of the project; or

(3) as are the result of additional studies, modifications, or other actions (including mitigation and other environmental actions) authorized by this Act or any other law enacted before, on, or after the date of enactment of this Act.

Sec. 1135. (a) The Secretary is authorized to review the operation of water resources projects constructed by the Secretary before the date of enactment of this Act to determine the need for modifications in the structures and operations of such projects for the purpose of improving the quality of the environment in the public interest.

(b) The Secretary is authorized to carry out a demonstration program in the two-year period beginning on the date of enactment of this Act for the purpose of making such modifications in the structures and operations of water resources projects constructed by the Secretary before the date of enactment of this Act which the Secretary determines (1) are feasible and consistent with the authorized project purposes, and (2) will improve the quality of the environment in the public interest.

(c) The Secretary shall coordinate any actions taken pursuant to this section with appropriate Federal, State, and local agencies.

(d) Not later than two years after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the review conducted under subsection (a) and on the demonstration program conducted under subsection (b). Such report shall contain any recommendations of the Secretary concerning modification and extension of such program.

(e) There is authorized to be appropriated not to exceed \$25,000,000 to carry out this section.

Sec. 1136. (a)(1) The Secretary is authorized to reimburse the State of New York for 50 per centum of the costs of maintaining and operating the New York State Barge Canal, if the work involved is in accordance with an agreement between the Secretary and the State of New York. The State of New York shall continue to own and operate such canal.

(2) The Secretary is authorized to reimburse the State of New York for 50 per centum of the cost of reconstructing and rehabilitating the New York State Barge Canal for navigation, flood control, water supply, irrigation, power, recreational, historic, and environmental purposes in accordance with the recommendations of the Secretary in the report transmitted under subsection (b) and in accordance with an agreement between the Secretary and the State of New York.

(b) The Secretary shall, in cooperation with the State of New York, study the need for reconstruction and rehabilitation of the New York State Barge Canal for navigation, flood control, water supply, irrigation, power, recreational, historic, and environmental purposes. Not later than two years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Commit-

tee on Environment and Public Works of the Senate a report of such study, along with recommendations of the Secretary for reconstruction and rehabilitation of such canal. No appropriation shall be made for any rehabilitation and reconstruction authorized by subsection (a), if such reconstruction and rehabilitation have not been approved by resolution adopted by each such committee.

(c) For purposes of this section, the term "New York State Barge Canal" means—

(1) the Erie Canal, which connects the Hudson River at Waterford with the Niagara River at Tonawanda;

(2) the Oswego Canal, which connects the Erie Canal at Three Rivers with Lake Ontario at Oswego;

(3) the Champlain Canal, which connects the easterly end of the Erie Canal at Waterford with Lake Champlain at Whitehall; and

(4) the Cayuga and Seneca Canals, which connect the Erie Canal at a point near Montezuma with Cayuga and Seneca Lakes and through Cayuga Lake and Ithaca and through Seneca Lake with Montour Falls.

Sec. 1137. (a) The Secretary is hereby authorized to develop and implement a flood warning system for the Whitewater River, San Bernardino and Riverside Counties, California, at an estimated cost of \$300,000.

(b) Prior to installation, local interest shall agree to operate and maintain the system authorized by subsection (a), and develop, maintain, and implement emergency evacuation plans satisfactory to the Secretary.

Sec. 1138. (a) In constructing any water resources project in a labor market area which has a high unemployment rate, the Secretary shall, to the extent he determines feasible, provide for the employment of residents of such labor market area.

(b) Not later than ninety days after the President or any other official of the executive branch requests the appropriation of initial funds for any water resources project, the Secretary shall transmit to Congress current information on the potential benefits of the project which are attributable to the employment of unemployed residents of the labor market area in which the project is located.

(c) For purposes of this section—

(1) The term "labor market area" shall have the meaning given such term by the Secretary of Labor.

(2) A labor market area has a high rate of unemployment if the average rate of unemployment for such area, as determined by the Secretary of Labor, over the most recent twelve-month period for which statistics are available is higher than the national average rate of unemployment, as determined by the Secretary of Labor, over such twelve-month period.

Sec. 1139. Notwithstanding section 5901(a) of title 5, United States Code, the uniform allowance for uniformed civilian employees of the United States Army Corps of Engineers may be up to \$400 annually.

Sec. 1140. Section 145 of the Water Resources Development Act of 1976 is amended by inserting "by such State of 50 per centum" after "upon payment".

Sec. 1141. The Secretary shall amend the contract between the State of Illinois and the United States for use of storage space for water supply in Rend Lake on the Big Muddy River in Illinois to relieve the State of Illinois of the requirement to make annual payments for that portion of the maintenance and operation costs applicable to future water supply storage as is consist-

ent with the Water Supply Act of 1958 (Public Law 85-500), until such time and in such proportion as the storage is used for water supply purposes.

Sec. 1142. After an agreement for the sale by the Southern California Water Company to the city of Hawaiian Gardens, California, of the water supply system which serves such city is entered into, the Secretary shall make a loan to such city to pay the cost of acquisition and rehabilitation of such system at an estimated cost of \$3,500,000. Such city shall repay the cost of such acquisition and rehabilitation to the Secretary in accordance with the Water Supply Act of 1958.

Sec. 1143. The Secretary shall procure by contract not less than 30 per centum of architectural and engineering services required for the design and construction of water resources projects undertaken by the Secretary.

Sec. 1144. Any surveying or mapping services to be performed in connection with a water resources project which is or has been authorized to be undertaken by the Secretary shall be procured in accordance with title IX of the Federal Property and Administrative Services Act of 1949.

Sec. 1145. (a) The California Debris Commission established by the first section of the Act of March 1, 1893 (33 U.S.C. 661) is hereby abolished.

(b) All authorities, powers, functions, and duties of the California Debris Commission are hereby transferred to the Secretary.

(c) The assets, liabilities, contracts, property, records, and the unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used arising from, available to, or to be made available in connection with the authorities, powers, functions, and duties transferred by this section, subject to section 202 of the Budget and Accounting Procedure Act of 1950, are hereby transferred to the Secretary for appropriate allocation. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

(d) All acquired lands, and other interests therein presently under the jurisdiction of the California Debris Commission are hereby authorized to be retained, and shall be administered under the direction of the Secretary, who is hereby authorized to take such actions as are necessary to consolidate and perfect title; to exchange for other lands or interests therein which may be required for recreation or for existing or proposed projects of the United States; to transfer to other Federal agencies or dispose of as surplus property; and to release to the coextensive fee owners any easements no longer required by the United States, under such conditions or for such consideration as the Secretary shall determine to be fair and reasonable. Except as specifically provided herein all transactions will be in accordance with existing laws and procedures.

Sec. 1146. Section 5(a) of the Act entitled "An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved August 18, 1941 (33 U.S.C. 701n), is amended by striking out "drinking" each place it appears in the second sentence and by inserting immediately after the first sentence the following new sentence: "In any case in which the Chief of Engineers is otherwise performing work under this section in an area for which the Governor of the af-

fect State has requested a determination that an emergency exists or a declaration that a major disaster exists under the Disaster Relief Act of 1974, the Chief of Engineers is further authorized to perform on public and private lands and waters for a period of ten days following the Governor's request any emergency work made necessary by such emergency or disaster which is essential for the preservation of life and property, including, but not limited to, channel clearance, emergency shore protection, clearance and removal of debris and wreckage endangering public health and safety, and temporary restoration of essential public facilities and services."

Sec. 1147. Section 156 of the Water Resources Development Act of 1976 (90 Stat. 2933) is amended by striking out "fifteenth" and inserting in lieu thereof "fiftieth".

Sec. 1148. (a) Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking out "\$30,000,000" in the first sentence and inserting in lieu thereof "\$50,000,000" and by striking out "\$4,000,000" in the third sentence and inserting in lieu thereof "\$7,500,000". Such section is further amended by adding at the end thereof the following new sentence: "Section 302 of the Water Resources, Conservation, Development, and Infrastructure Improvement and Rehabilitation Act of 1983, relating to non-Federal share, acquisition of lands, easements, and rights-of-way, and relocations of utilities, structures, and other improvements, shall apply to projects under this section."

(b) Section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g) is amended by striking out "\$5,000,000" and inserting in lieu thereof "\$10,000,000" and by striking out "\$250,000" and inserting in lieu thereof "\$750,000".

(c) Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking out "\$10,000,000" and inserting in lieu thereof "\$15,000,000" and by striking out "\$250,000" and inserting in lieu thereof "\$750,000".

(d) Subsection (a) of section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended by striking out "\$25,000,000" and inserting in lieu thereof "\$50,000,000". Subsection (b) of such section is amended by striking out "\$2,000,000" and inserting in lieu thereof "\$4,000,000".

(e) Section 3 of the Act entitled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), is amended (1) by striking out "\$25,000,000" and inserting in lieu thereof "\$30,000,000", and (2) by striking out "\$1,000,000" and inserting in lieu thereof "\$3,000,000".

(f) Section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) is amended by striking out "\$1,000,000" and inserting in lieu thereof "\$3,000,000".

(g) Section 3 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works or rivers and harbors, and for other purposes", approved March 2, 1945 (33 U.S.C. 603a), is amended by striking out "\$300,000" and inserting in lieu thereof "\$4,000,000".

(h) The Secretary is authorized to use the authority contained in section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), section 2 of the Flood Control Act of August 28, 1937 (33 U.S.C. 701g), section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r), section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), section 3 of the Act en-

titled "An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property", approved August 13, 1946 (33 U.S.C. 426g), and section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) in the Trust Territory of the Pacific Islands.

(i) The amendments made by this section shall not apply to any project under contract for construction on the date of enactment of this Act.

Sec. 1149. The Secretary shall expedite completion of the study of a new lock parallel to the existing Poe Lock being undertaken as part of the study of additional locks on the Saint Lawrence Seaway and shall submit to the Congress a report on such additional lock not later than September 30, 1985.

Sec. 1150. (a) After the Chief of Engineers transmits his recommendations for a water resources development project to the Secretary of the Army for transmittal to the Congress, as authorized in the first section of the Act of December 22, 1944, and before authorization for construction of such project, the Chief of Engineers is authorized to undertake continued planning and engineering (other than preparation of plans and specifications) for such project if the Chief of Engineers finds that the project is without substantial controversy and justifies further engineering, economic, and environmental investigations and the Chief of Engineers transmits to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a statement of such findings. In the two-year period after authorization for construction of such project, the Chief of Engineers is authorized to undertake planning, engineering, and design for such project.

(b) Not later than January 15, 1985, and each January 15 thereafter, the Secretary shall prepare and transmit a report on the activities undertaken under this section in the preceding fiscal year to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c) There is authorized to carry out this section not to exceed \$20,000,000 per fiscal year for each of the fiscal years 1985 and 1986.

(d) The authorizations made by this section shall be in addition to any other authorizations for planning, engineering, and design of water resources development projects and shall not be construed as a limitation on any such other authorization.

Sec. 1151. The Secretary shall reevaluate the feasibility of the Elk Creek Lake feature of the project for the Rogue River, Oregon and California, authorized by the Flood Control Act of 1962 (76 Stat. 1192), including an evaluation of the feasibility of adding hydroelectric power as a project purpose. The evaluation and justification of the Elk Creek Lake feature shall be based on the benefits and costs of all features of the project for the Rogue River. Hydroelectric power shall be added as a project purpose if the Secretary determines that such addition will increase the amount by which total economic benefits of the project exceed total economic costs. In reviewing the economic feasibility of such project, the Secretary shall use the rate of interest that applied at the time such project was authorized.

Sec. 1152. In recommending funding for construction of water resources projects, the



Secretary shall not give priority to any project for which the non-Federal interests agree to provide a greater non-Federal share than is required by the law authorizing such project.

SEC. 1153. The Secretary shall study and evaluate the measures necessary to increase the capabilities of the United States Army Corps of Engineers to undertake the planning and construction of water resources projects on an expedited basis and to adequately comply with all requirements of law applicable to the water resources program of the Corps of Engineers. The Secretary shall implement such measures as may be necessary to improve such capabilities, including the establishment of increased levels of personnel, changes in project planning and construction procedures designed to lessen the time required for such planning and construction, and procedures for expediting the coordination of water resources projects with Federal, State, and local agencies.

SEC. 1154. Not later than January 15, 1986, and each January 15 thereafter, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report which—

(1) specifies the amount of electricity generated by each water resource project constructed by the Secretary which generated electricity in the preceding fiscal year;

(2) specifies the revenues received by the United States from the sale of electricity generated by such project; and

(3) specifies the costs of construction, operation, and maintenance of such project allocated to the generation of electricity.

The first report submitted under this section shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project before October 1, 1984, on a fiscal year basis. Each report thereafter shall specify the amounts of electricity generated, the revenues received, and the costs allocated for each such project for the preceding fiscal year.

SEC. 1155. Section 22 of the Water Resources Development Act of 1974 (Public Law 93-251) is amended by adding at the end thereof the following:

"(c) For the purposes of this section, the term 'State' means the several States of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands."

SEC. 1156. (a) The President may appoint a regular officer of any of the Armed Forces who is serving on active duty as the Federal Commissioner of the Red River Compact Commission.

(b) Notwithstanding any other provision of law, acceptance by a regular officer of any of the Armed Forces of an appointment as the Federal Commissioner of the Red River Compact Commission, or the exercise of the functions of the Federal Commissioner and chairman of such Commission, by such officer shall not terminate or otherwise affect such officer's appointment as a military officer.

SEC. 1157. The Secretary shall undertake such measures as are necessary to ensure that standard and uniform procedures and practices are followed by each district office (and each division office for any area in which there is no district office) of the United States Army Corps of Engineers in the preparation of feasibility reports on water resources projects.

SEC. 1158. The first proviso of section 4 of the River and Harbor Act approved July 5, 1884 (23 Stat. 147), as amended by section 6 of the River and Harbor Act, approved March 3, 1909 (33 U.S.C. 5), is amended to read as follows: "Provided, That whenever, as determined by the Secretary, the condition of any of the aforesaid works is such that its reconstruction is essential to its efficient and economical maintenance and operation, the reconstruction thereof may include such modifications in plan and location as may be necessary to provide adequate facilities for navigation. No appropriation shall be made for the acquisition of any interest in real property for, or the actual construction of, any such reconstruction if such acquisition and actual construction have not been approved by resolution of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives."

SEC. 1159. (a) In the preparation of feasibility reports for projects for flood damage prevention in urban and rural areas, the Secretary shall consider and evaluate measures to reduce or eliminate damages from flooding without regard to frequency of flooding, drainage area, and amount of runoff.

(b) The provisions of section 302 of this Act shall apply to all measures authorized after the date of enactment of this Act to reduce or eliminate damages from flooding in urban and rural areas.

SEC. 1160. The Secretary is authorized to construct and improve facilities at the Niagara Frontier Transportation Authority, Port of Buffalo, including the construction of bulkheading in a total length of 1,000 feet, sufficient to facilitate a 1,000-foot class X vessel or a 730-foot class VII vessel, at an estimated cost of \$6,450,000.

SEC. 1161. The Secretary is authorized to construct and maintain a navigation channel 9 feet deep and 100 feet wide from the mouth of the Beaver River at Bridgewater, Pennsylvania, a distance of approximately three miles upriver, to the dam at New Brighton, at an estimated cost of \$700,000. Prior to initiation of construction of the project, non-Federal interests shall agree to pay one-half of the costs of construction of the project attributable to recreational boating.

SEC. 1162. Section 1114 of title 18, United States Code, is amended by inserting "or any uniformed civilian official or uniformed civilian employee of the Corps of Engineers of the Department of the Army assigned to perform investigations, inspections, or law or regulatory enforcement functions in connection with civil activities of the Department of the Army," immediately after "Foreign Service."

SEC. 1163. The Secretary, in consultation with appropriate Federal, State, and local agencies, is authorized to plan, design, and construct a demonstration project for the recharge of groundwater in the drainage basin of the Tucson, Arizona, metropolitan area, at an estimated cost of \$2,500,000.

SEC. 1164. (a) The Secretary is authorized, with the concurrence of the Director of the National Park Service and the South Florida Water Management District, to modify the schedule for delivery of water from the central and southern Florida project to the Everglades National Park required by section 2 of the River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970 (Public Law 91-282) and to conduct an experimental pro-

gram for the delivery of water to the Everglades National Park from such project for the purpose of determining an improved schedule for such delivery.

(b) The Secretary shall, as soon as practicable, make such modifications in the comprehensive plan for flood control and other purposes, central and southern Florida, authorized by the Flood Control Act of 1948 and subsequent Acts of Congress, as may be necessary to restore the natural flow of water to the Everglades National Park. The Secretary is further authorized to acquire such interests in lands as are necessary to permit the natural flow of water to the Everglades National Park, at an estimated cost of \$75,000,000. The Secretary shall acquire any interest in land under this subsection at the fair market value of such interest based on conditions existing after the construction of the project described in subsection (a) of this section and before any modification is made to the schedule for delivery of water to the Everglades National Park under such subsection and before the restoration of such natural flow. The Secretary is also authorized to construct necessary flood protection measures for protection of homes in the area affected by any modification of such delivery schedule or by the restoration of such natural flow.

SEC. 1165. The Secretary is authorized and directed to undertake such emergency bank stabilization measures as are necessary to protect bridges on Elm Creek in the vicinity of Decatur, Nebraska, at an estimated cost of \$500,000.

SEC. 1166. Section 221(a) of the Flood Control Act of 1970 is amended by adding at the end thereof the following: "In any such agreement entered into by a State, such State may make the furnishing of all or any portion of its required cooperation contingent upon the appropriation by the State of necessary funds for that purpose."

SEC. 1167. The Secretary is authorized and directed to improve public access to, and lessen a health and safety hazard at, Pearson-Skubitz Big Hill Lake, Kansas, by upgrading existing roads to the extent feasible and acquiring additional rights-of-way and constructing new roads as required, at an estimated cost of \$1,200,000.

SEC. 1168. The Secretary is authorized to contract with existing, nonprofit economic development organizations to assist in the preparation of projects as provided in sections 804(a) and 851(b) and to undertake such actions as may be necessary to identify and stimulate the long-term economic development envisioned as the result of projects which serve remote rural areas or in areas where such are justified because of economic reasons.

SEC. 1169. (a) The first sentence of the paragraph under the center heading "ARKANSAS AND RED RIVERS" in section 203 of the Flood Control Act of 1966, as amended, is amended by striking out "\$46,400,000" and inserting in lieu thereof "\$177,600,000".

(b) Section 201 of the Flood Control Act of 1970, as amended by section 153 of the Water Resources Development Act of 1976, is amended by striking out the last sentence under the center heading "ARKANSAS-RED RIVER BASIN" and adding the following: "No funds shall be appropriated or expended under authority granted in the Flood Control Act of 1966, as amended, for construction of chloride control projects within the Arkansas River Basin. The chloride control projects for the Red River Basin and the Arkansas River Basin shall be considered to

be separate projects, with separate authority."

(c) The Secretary is authorized to conduct a restudy of the Arkansas River chloride control project to determine its economic feasibility and report the findings of such study to Congress.

Sec. 1170. In order to assure the most economical and cost-saving construction of water resources projects authorized before, on, or after the date of enactment of this Act, the Secretary shall require a value engineering review during design for each water resources project authorized before, on, or after such date of enactment which has an estimated cost in excess of \$10,000,000. For purposes of this section, the term "value engineering review" means a specialized cost control technique which uses a systematic and creative approach to identify and to focus on unnecessarily high costs in a project in order to arrive at a cost saving without sacrificing the reliability or efficiency of the project.

Sec. 1171. (a) Except as provided in subsection (b), the appropriate non-Federal interests shall provide the necessary lands, easements, and rights-of-way for any water resources demonstration project authorized by this Act or by any Act enacted after the date of enactment of this Act. If the value of the lands, easements, and rights-of-way so provided is less than 10 percent of the cost of the project (including the value of such lands, easements, and rights-of-way), the non-Federal interests shall pay to the Secretary over a 15-year period an amount equal to the excess of (1) the amount equal to 10 percent of such cost, over (2) the value of such lands, easements, and rights-of-way.

(b) If the Secretary estimates before the beginning of construction of any project to which subsection (a) applies that the value of all lands, easements, and rights-of-way required for such project will be a percentage of the cost of the project which is greater than 10 percent, the Secretary shall, upon request by the non-Federal interests, acquire such lands, easements, and rights-of-way, except that the aggregate amount of the value of lands, easements, and rights-of-way acquired by the Secretary shall be limited to the amount by which such estimated value exceeds 10 percent of the estimated cost of the project.

Sec. 1172. (a) Beginning October 1, 1985, the Secretary, in cooperation with the State of Illinois, shall carry out measurements and make necessary computations required by the decree of the United States Supreme Court (388 U.S. 426) relating to the diversion of water from Lake Michigan and shall coordinate the results with downstate interests. The measurements and computations shall consist of all flow measurements, gauge records, hydraulic and hydrologic computations, including periodic field investigations and measuring device calibrations, necessary to compute the amount of water diverted from Lake Michigan by the State of Illinois and its municipalities, political subdivisions, agencies, and instrumentalities, not including water diverted or used by Federal installations.

(b) There are authorized to be appropriated such sums as may be necessary for fiscal years beginning after September 30, 1985, to carry out this section, including those funds necessary to maintain the measurements and computations, as well as necessary capital construction costs associated with the installation of new flow measurement devices or structures declared necessary and appropriate by the Secretary.

Sec. 1173. Notwithstanding any other provision of this Act and any other provision of law, the total amount which may be appropriated from the general fund of the Treasury for construction of water resources projects by the Secretary shall not exceed \$1,500,000,000 per fiscal year for each of the fiscal years ending September 30, 1985, and September 30, 1986, and \$1,600,000,000 per fiscal year for each of the fiscal years ending September 30, 1987, September 30, 1988, and September 30, 1989.

Sec. 1174. Section 22(b) of the Water Resources Development Act of 1974 is amended—

(1) by striking out "\$4,000,000" and inserting in lieu thereof "\$10,000,000"; and

(2) by striking out "\$200,000" and inserting in lieu thereof "\$500,000".

Sec. 1175. The Secretary is authorized and directed to remove the Berkeley Pier, which extends into San Francisco Bay, California, approximately 12,000 feet, at an estimated cost of \$1,050,000.

Sec. 1176. (a) The Secretary is authorized to implement a program of research in order to demonstrate the cropland irrigation and conservation techniques described in the report issued by the New England Division Engineer, dated May 1980, for the Saint John River Basin, Maine.

(b) For the purposes of this section, there is authorized to be appropriated to the Secretary the sums of \$1,825,000 for the fiscal year ending September 30, 1985, \$820,000 for the fiscal year ending September 30, 1986, and \$785,000 for the fiscal year ending September 30, 1987, such sums to remain available until expended.

Sec. 1177. The Secretary is authorized to construct a seawall from the canneries in the village of Atu'u, Ma'oputasi County, to Breakers Point near the village of Tafanai, Sua County, Western Tutuila Island, American Samoa, at an estimated cost of \$1,200,000.

Sec. 1178. The Secretary is authorized to rehabilitate the fuel dock adjacent to the Rainmaker Hotel between the villages of Utulei and Fagatogo in Ma'oputasi County, Eastern Tutuila Island, American Samoa, at an estimated cost of \$350,000.

Sec. 1179. Section 215(a) of the Flood Control Act of 1968 is amended by striking out "\$1,000,000" and inserting in lieu thereof "\$5,000,000".

Sec. 1180. Notwithstanding any other provision of law, in any case in which the use of fill material for beach erosion and beach nourishment is authorized as a purpose of an authorized water resources project, the Secretary is authorized to acquire by purchase, exchange, or otherwise from non-domestic sources and utilize such material for such purposes if such materials are not available from domestic sources for environmental or economic reasons.

Sec. 1181. The Secretary, the Director of the Federal Emergency Management Agency, and the Administrator of the Soil Conservation Service shall take necessary actions, including the posting and distribution of information and the preparation and distribution of educational materials and programs, to ensure that information relating to flood hazard areas is generally available to the public.

Sec. 1182. The Secretary is authorized to accept funds from any entity, public or private, in accordance with the Pacific Northwest Electric Power Planning and Conservation Act to be used to protect, mitigate, and enhance fish and wildlife in connection with projects constructed or operated by the Sec-

retary. The Secretary may accept and use funds for such purposes without regard to any limitation established under any other provision of law or rule of law.

Sec. 1183. (a) The Secretary may require compliance with any requirements pertaining to cooperation by non-Federal interests in carrying out any water resources project authorized before, on, or after the date of enactment of this Act.

(b) Whenever on the basis of any information available to the Secretary, the Secretary finds that any non-Federal interest is not providing any cooperation required under subsection (a), the Secretary shall issue an order requiring such non-Federal interest to provide such cooperation. After notice and opportunity for a hearing, if the Secretary finds that any person is violating an order issued under this section, such person shall be subject to a civil penalty not to exceed \$10,000 per day of such violation, except that the total amount of civil penalties for any violation shall not exceed \$50,000.

(c) The Secretary may request the Attorney General to bring a civil action for appropriate relief, including permanent or temporary injunction, for any violation of an order issued under this section, to collect a civil penalty imposed under this section, or to recover any cost incurred by the Secretary in undertaking performance of any item of cooperation under section 221(d) of the Flood Control Act of 1970. Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides, or is doing business, and such court shall have jurisdiction to restrain such violation, to require compliance, to require payment of any civil penalty imposed under this section, and to require payment of any costs incurred by the Secretary in undertaking performance of any such item.

Sec. 1184. (a) In recognition of the serious impacts that are expected to occur to the Great Lakes environment as a result of a projected fivefold increase in consumption of Great Lakes water, including loss of wetlands and reduction of fish spawning and habitat areas, as well as serious economic losses to vital Great Lakes industries, and in recognition of the national goal to provide environmental protection and preservation of our natural resources while allowing for continued economic growth, the Administrator of the Environmental Protection Agency, in cooperation with other interested departments, agencies, and instrumentalities of the United States and the eight Great Lakes States and their political subdivisions, is authorized to conduct a study of control measures which can be implemented to reduce the quantity of Great Lakes water consumed without adversely affecting projected economic growth of the Great Lakes region.

(b) The study authorized by this section shall include an analysis of both existing and new technology which is likely to be feasible in the foreseeable future and shall at a minimum include the following:

(1) a review of the methodologies used to forecast Great Lakes consumptive uses, including an analysis of the sensitivity of key variables affecting such uses;

(2) an analysis of the effect that enforcement of provisions of the Federal Water Pollution Control Act relating to thermal discharges has had on consumption of Great Lakes water;

(3) an analysis of the effect of laws, regulations, and national policy objectives on



consumptive uses of Great Lakes water used in manufacturing;

(4) an analysis of the economic effects on a consuming industry and other Great Lakes interests associated with a particular consumptive use control strategy;

(5) an analysis of associated environmental impacts, both singularly and in combination with other consumptive use control strategies; and

(6) a summary discussion containing recommendations for methods of controlling consumptive uses which methods maximize benefits to the Great Lakes ecosystem and also provide for continued full economic growth for consuming industries as well as other industries which depend on the use of Great Lakes water.

(c) There is authorized to be appropriated for fiscal years beginning after September 30, 1984, \$4,500,000 to carry out this section. Sums appropriated under this section shall remain available until expended.

(d) For purposes of this section, the term "Great Lakes States" means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.

Sec. 1185. (a) The Congress finds and declares that—

(1) the Great Lakes are a most important natural resource to the eight Great Lakes States and two Canadian provinces, providing water supply for domestic and industrial use, clean energy through hydropower production, an efficient transportation mode for moving products into and out of the Great Lakes region, and recreational uses for millions of United States and Canadian citizens;

(2) the Great Lakes need to be carefully managed and protected to meet current and future needs within the Great Lakes States and Canadian provinces;

(3) any new diversions of Great Lakes water for use outside of a Great Lakes State will have significant economic and environmental impacts, adversely affecting the use of this resource by the Great Lakes States and Canadian provinces; and

(4) the Great Lakes are international waters and are defined as boundary waters in the Boundary Waters Treaty of 1909 between the United States and Canada, and as such any new diversion of Great Lakes water in the United States would affect the relations of the Government of the United States with the Government of Canada.

(b) It is therefore declared to be the purpose and policy of the Congress in this section—

(1) to take immediate action to protect the limited quantity of water available from the Great Lakes system for use by the Great Lakes States and in accordance with the Boundary Waters Treaty of 1909;

(2) to prohibit any diversion of Great Lakes water by any State, Federal agency, or private entity for use outside of a Great Lakes State unless such diversion is approved by all the Great Lakes States and the International Joint Commission; and

(3) to prohibit any Federal agency from undertaking any studies that would involve the transfer of Great Lakes water for any purpose for use outside of a Great Lakes State.

(c) As used in this section, the term "Great Lakes State" means each of the States of Illinois, Indiana, Michigan, Minnesota, Ohio, Pennsylvania, New York, and Wisconsin.

(d) No water shall be diverted from any portion of the Great Lakes within the United States, or from any tributary within

the United States of any of the Great Lakes, for use outside of a Great Lakes State unless such diversion is approved by all eight Great Lakes States and the International Joint Commission established by the treaty between the United States and Great Britain relating to boundary waters between the United States and Canada, signed at Washington, January 11, 1909 (36 Stat. 2448) (referred to in this section as the "Boundary Waters Treaty of 1909").

(e) No Federal agency may undertake any study, or expend any Federal funds to contract for any study, of the feasibility of diverting water from any portion of the Great Lakes within the United States, or from any tributary within the United States of any of the Great Lakes, for use outside of a Great Lakes State. The prohibition of the preceding sentence shall not apply to any study or data collection effort performed by the Corps of Engineers or other Federal agency under the direction of the International Joint Commission in accordance with the Boundary Waters Treaty of 1909.

Sec. 1186. (a) Subject to the provisions of this section, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, is authorized to take such action as may be necessary to remove and dispose of toxic pollutants from areas of the Buffalo River, New York, which contain high levels of such pollutants.

(b) No appropriation shall be made for the removal and disposal of toxic pollutants from the Buffalo River, New York, under this section if such removal and disposal have not been approved by resolution adopted by the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(c)(1) The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall conduct a study of the Buffalo River to determine which areas of such river contain high levels of toxic pollutants, to determine whether or not removal and disposal of such pollutants from such areas is economically and environmentally feasible, and to determine the most efficient and effective methods of removing such pollutants from such areas and of disposing of such pollutants after their removal.

(2) Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study conducted under this subsection (including a list of areas identified as containing high levels of toxic pollutants), along with recommendations concerning whether or not removal and disposal of toxic pollutants from identified areas is economically and environmentally feasible and concerning methods of removing and disposing of such pollutants.

(3) There is authorized to be appropriated such sums as may be necessary to conduct the study under this subsection of this section for fiscal years beginning after September 30, 1984.

Sec. 1187. (a) Bayou Lafourche, in the State of Louisiana, between Canal Boulevard, city of Thibodaux, Parish of Lafourche, and the Southern Pacific Railroad bridge crossing the bayou, city of Thibodaux, Parish of Lafourche, is hereby declared to be a nonnavigable waterway of the United States within the meaning of the laws of the United States relating to the

construction of bridges across navigable waters.

(b) The right to alter, amend, or repeal this section is hereby expressly reserved.

Sec. 1188. Section 14 of the Act of March 3, 1899 (33 U.S.C. 408), is amended by inserting "(1)" after "grant permission for" and by striking out the period at the end thereof and inserting in lieu thereof ", and (2) the alteration or permanent occupation or use of any of the aforementioned public works when in his judgment such occupation or use will not be injurious to the public interest and will not impair the usefulness of such works."

Sec. 1189. The Secretary is authorized to acquire from willing sellers lands on which residential structures are located, which lands are subject to frequent and recurring flood damage, within the area being studied pursuant to the Passaic River Basin flood control study authorized by section 101 of the Water Resources Development Act of 1976. Lands acquired by the Secretary under this section shall be retained by the Secretary for future use in conjunction with flood protection and flood management in the Passaic River Basin. There is authorized to be appropriated \$50,000,000 to carry out this section.

Sec. 1190. (a) In order to assure a fair and reasonable distribution of civil works contracts set aside for small and disadvantaged business, the Secretary shall, on a quarterly basis, transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report describing the number and dollar amount of contracts awarded in each industry category or subcategory broken down by Engineer District of the Army Corps of Engineers. Such report shall include the number and dollar amount of contracts (1) set aside for small business concerns; (2) awarded to small business or small disadvantaged business concerns; (3) available for competition by qualified firms of all sizes; and (4) awarded to other than small business or small disadvantaged business concerns.

(b) For purposes of this section, the term—

(1) "contract" means any contract, or any subcontract in connection with a subcontracting plan entered into pursuant to section 8(d) of the Small Business Act, as amended (15 U.S.C. 637(d)), which is funded through appropriations made available to the Corps of Engineers-Civil; and

(2) "industry category or subcategory" means the four digit SIC category or subcategory defined by the Small Business Administration.

Sec. 1191. Notwithstanding any other provision of law, the Secretary may dispose of any vessel, and any related equipment, which is under the control of the Corps of Engineers and is used for dredging, through sale or lease to a non-domestic government as part of a Corps of Engineers technical assistance program or to a Federal or State maritime academy for training purposes, or through sale solely for scrap to non-domestic or domestic interests. Any such vessel shall not be disposed of under this section or any other provision of law for use within the United States for the purpose of dredging. Amounts collected from the sale or lease of any such vessel or equipment shall be deposited into the revolving fund authorized pursuant to the Civil Functions Appropriations Act, 1954 (33 U.S.C. 576), to be available, as provided in appropriations

Acts, for the operation and maintenance of vessels under the control of the Corps of Engineers.

Sec. 1192. The Secretary is authorized and directed to construct a second lock 1,294 feet in length, 115 feet in width, and 32 feet in depth, adjacent to the existing lock at Sault Sainte Marie, Michigan, at full Federal expense and at an estimated cost of \$240,000,000.

Sec. 1193. (a) Notwithstanding any other provision of law, the State of California or any political subdivision thereof, or any non-Federal public body organized under the laws of the State of California, which is operating the William G. Stone Lock in Yolo County, California, under lease agreement with the Secretary may levy and collect tolls or other user fees from vessels using such lock. Such tolls or fees shall be in amounts not exceeding amounts necessary to recover the costs of operating and maintaining the William G. Stone Lock by such State, political subdivision, or public body under such lease agreement.

(b) Any lease for the operation of the William G. Stone Lock entered into by the Secretary after the date of enactment of this Act shall require the lessee to develop a plan of operation for such lock acceptable to Yolo County, California.

## PART XII—WATER RESOURCES POLICY ACT

### SUBPART A—SHORT TITLE

Sec. 1201. This title may be cited as the "Water Resources Policy Act of 1985".

Sec. 1202. Nothing in this title shall be construed to expand or diminish either Federal or State jurisdiction, responsibility, or rights in the field of water or related land resources planning, development, or control; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects.

### SUBPART B—NATIONAL BOARD

Sec. 1221. There is hereby established a National Board on Water Resources Policy (hereinafter in this title referred to as the "Board") which shall be composed of seven members as follows: (1) the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, and the Administrator of the Environmental Protection Agency, or their respective designees, (2) two members who shall be appointed by the President with the advice and consent of the Senate, one from among nominations made by the Speaker of the House of Representatives, and one from among nominations made by the President pro tempore of the Senate; and (3) a Chairman who shall be appointed by the President by and with the advice and consent of the Senate. Any person designated a member by a Secretary or Administrator must be designated from among persons who are officers of the United States appointed by the President with the advice and consent of the Senate. The Chairman shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The two additional members appointed by the President shall be compensated on a daily basis for each day of service at the daily rate applicable to level IV of the Executive Schedule under section 5313 of title 5, United States Code, and shall be reimbursed for necessary travel

and reasonable expenses incurred in attending meetings of the Board. During the period of his service on the Board, the Chairman and the members appointed by the President shall not hold any other position as an officer or employee of the United States, except as a retired officer or retired civilian employee of the Federal Government. No retired officer or employee shall receive from the Federal Government for retirement benefits and service to the Board total compensation which exceeds the applicable rate for level III or IV of the Executive Schedule, as the case may be. The Chairman of the Board shall request the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of Energy and the heads of such other Federal agencies as may be appropriate to participate without a vote with the Board when matters affecting their responsibilities are considered by the Board. The Board shall meet at least once during each quarter of the year. Any action of the Board shall require a quorum to be present and a majority vote of those members present and voting.

Sec. 1222. The Board shall—

(1) perform studies and prepare assessments at such intervals as the Board may determine, of the adequacy of supplies of water (both quality and quantity) necessary to meet the water requirements in each water resource region in the United States and the national interest therein, taking into consideration the special needs of rural areas due to increasing demands for water to provide sustained economic development and agricultural productivity; and

(2) perform studies and prepare assessments of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation and of the adequacy of administrative and statutory means for the coordination of the water and related land resources policies and programs of the several Federal agencies; appraise the adequacy of existing and proposed policies and programs to meet such requirements; and make recommendations to the President and to Congress with respect to Federal policies and programs.

For purposes of this section, policies and programs shall include, but not be limited to, water and related land resources planning, development, management, and conservation; integration of water quantity and water quality planning and management; and enhancement of State and local capabilities with respect to water and related land resources planning, development, management, and conservation.

Sec. 1223. (a) The Board shall assist in interagency coordination of Federal water resources research. Such coordination shall include, but not be limited to, (1) continuing review of the adequacy of Federal programs in water resources research and identification of technical needs in various water resources research categories, (2) identification of duplication and overlapping between two or more Federal water resources research programs and elimination of such duplication and overlapping to the extent that this may be accomplished under existing law, (3) recommendations to the Federal agencies involved in Federal water resources research with respect to allocation of technical efforts among such agencies, (4) recommendations to such Federal agencies concerning management policies to improve the quality of Federal research efforts, and (5) actions to facilitate interagency communication at management levels.

(b) The Board shall report annually to Congress concerning actions taken to implement this section and include in such report any recommendations for changes in legislation that it deems appropriate to meet the objectives of this section.

(c) For the purposes of this section, the Board shall make use of the Water Resources Scientific Information Center, established under section 302 of the Water Research and Development Act of 1978 (Public Law 95-467), or any successor agency.

Sec. 1224. (a) The Board shall establish by rule, after such consultation with other interested entities, both Federal and non-Federal, as the Board may find appropriate, principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects. The objectives of enhancing regional economic development, the quality of the total environment (including its protection and improvement), the well-being of the people of the United States, the prevention of loss of life, and national economic development shall be the objectives to be included in each such project, and the benefits and costs attributable to such objectives, both quantifiable and unquantifiable, shall be included in the evaluation of the benefits and costs of each such project. Such principles, standards, and procedures shall require that every report relating to any such water or related land resources project include specific information on the benefits and costs attributable to each of such objectives. Such principles, standards, and procedures shall also define the objective of water conservation as including projects, programs, or features thereof, designed to (1) improve efficiency in use and reduce losses and waste of water (including by storage), (2) reduce the demand for water, or (3) improve land management practices to conserve water.

(b) The Board shall establish separate principles, standards and procedures as described in subsection (a) for small Federal water or related land resources projects administered by the United States Department of Agriculture.

(c) The principles, standards, and procedures promulgated under the Water Resources Planning Act by the Water Resources Council, as contained in sections 711.1 through 716.309 of title 18 of the Code of Federal Regulations as those sections were in effect on March 9, 1983, shall be in effect until such time as principles, standards, and procedures established under this section take effect.

Sec. 1225. (a) For the purpose of carrying out the provisions of this subtitle, the Board may (1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable; (2) acquire, furnish, and equip such office space as is necessary; (3) use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States; (4) employ and fix the compensation of such personnel as it deems advisable; (5) procure services as authorized by section 3109(b) of title 5, United States Code, at rates not in excess of the daily equivalent of the rate prescribed for grade GS-18 under section 5332 of title 5 of the United States Code in the case of individual



experts or consultants; (6) purchase, hire, operate, and maintain passenger motor vehicles; and (7) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this subtitle.

(b) Any member of the Board is authorized to administer oaths when it is determined by a majority of the Board that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of the Board may be made available for public inspection during ordinary office hours.

(d) Upon request of the Board, the head of any Federal department or agency is authorized (1) to furnish to the Board such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such Board on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(e) The Board shall be responsible for (1) the appointment and supervision of personnel, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditures of funds.

Sec. 1226. (a) There is hereby established a regional-State water resources advisory committee (hereinafter referred to as the "committee").

(b) The Board shall appoint one member from each of the major water resources regions described in the document entitled "Second National Water Assessment", dated December 1978, and transmitted to the President on January 25, 1979. The Board shall give consideration to recommendations of the Governors of the States which lie wholly or partially within such a region when appointing a member from such region. Each member of the committee shall be selected on the basis of knowledge of water resources management and water resources needs of the region that he or she represents. The chairman of the committee shall be selected by the members from among the members of the committee.

(c) The committee is authorized to submit to the Board the recommendations of the committee on any matter which is before the Board, and the recommendations of the committee shall be included in any recommendations of the Board reported to the President and Congress under section 1022(2) of this subtitle, with respect to such matter.

Sec. 1227. (a) Simultaneously with promulgation or repromulgation of any rule by the Board, under authority of any law of the United States relating to principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans and for the formulation, evaluation, and review of Federal water and related land resources projects, the Board shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Such rule shall not take effect before 90 calendar days of continuous session of Congress following the date of such transmission.

(b) For purposes of subsection (a) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of

more than three days to a day certain are excluded in the computation of 90 calendar days of continuous session of Congress.

(c) For purposes of this section, the term "rule" includes, but is not limited to, any rule, regulation, principle, standard, or procedure, or any part thereof.

Sec. 1228. No later than fifteen days following the transmission of the President's budget submittal to the Congress the Board shall transmit to the Speaker of the House of Representatives and the President pro tem of the Senate reports on, as appropriate, Bureau of Reclamation, Army Corps of Engineers, and Department of Agriculture water resource studies or projects (1) which are not included in the President's budget submittal; (2) for which feasibility studies or construction have previously been authorized; and (3) the construction of which have not been completed. Such reports shall include a detailed description of each project, the President's explanation for not including the projects in his budget submittal, and information on the compliance of each project with any relevant principles, standards, and procedures.

Sec. 1229. There is authorized to be appropriated to carry out the provisions of this subtitle, the sum of \$3,000,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989 of which no more than \$50,000 is authorized each such fiscal year to carry out section 1226.

#### SUBPART C—ASSISTANCE FOR STATE WATER PLANNING AND MANAGEMENT

Sec. 1241. (a) In recognition of the controlling role of the States in State and regional water and related land resources planning and management and a national need for—

(1) water conservation;

(2) State integration of water quantity and water quality planning and management;

(3) State integration of ground and surface water planning and management;

(4) protection and management by the States of ground water supplies;

(5) protection and management by the States of instream values; and

(6) enhanced cooperation and coordination between Federal, State, and local units of government to achieve these goals; the Congress hereby authorizes the Board to make grants to the States to assist them in the development, implementation, and modification of comprehensive programs and plans for the use, development, conservation, and management of State and regional water and related land resources.

(b) The Board shall, after consultation with the States, prescribe guidelines by rule, no later than one hundred and eighty days after enactment of this title, to carry out its functions and responsibilities under this subtitle.

Sec. 1242. (a) From the sums appropriated for any fiscal year pursuant to section 1244 and upon application of a State, the Board shall make grants to States in accordance with the guidelines prescribed pursuant to section 1241(b) on the basis of population, land area, financial need and the need for water and related land resources planning and management assistance, except that each State shall receive not less than the sum of \$100,000 for each of the fiscal years 1985, 1986, 1987, 1988, and 1989.

(b) The sums allocated under this section shall be matched on the basis of not less than one non-Federal dollar for every Federal dollar. Contributions by the States to

fulfill the matching requirements of this subsection may be in cash or in kind.

(c) No funds under this section may be withheld in an effort to force States to alter their water policies to comply with Federal policies or policies of the Board.

Sec. 1243. The assistance provided for State water planning and the programs established pursuant to this subtitle shall be consistent with the provisions contained in section 1202 of this title.

Sec. 1244. There are authorized to be appropriated to carry out the provisions of this subtitle \$20,000,000 per fiscal year for each of the fiscal years 1985, 1986, 1987, 1988, and 1989 all of which is to remain available until expended.

Sec. 1245. For the purposes of this subtitle, "State" means each of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

#### SUBPART D—GENERAL PROVISIONS

Sec. 1261. The Water Resources Planning Act (42 U.S.C. 1962 et seq.) is repealed.

Sec. 1262. Notwithstanding any other provision of this title, no payment under this title shall be effective except to such extent or in such amounts as are provided in appropriation Acts.

#### PART XIII—PORT INFRASTRUCTURE DEVELOPMENT AND IMPROVEMENT TRUST FUND

Sec. 1301. (a) There is established in the Treasury of the United States a trust fund to be known as the "Port Infrastructure Development and Improvement Trust Fund" (hereinafter in this title referred to as the "Trust Fund"), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in subsection (b) or section 1303(b).

(b) There is hereby appropriated to the Trust Fund for each fiscal year beginning after September 30, 1984, an amount equal to the custom duties collected during the preceding fiscal year, but not to exceed \$2,000,000,000 for each such year.

(c)(1) Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making expenditures (A) for feasibility studies for, and construction, operation, and maintenance of, projects for ports by the Secretary, (B) for feasibility studies for, and construction, rehabilitation, and maintenance of, projects for ports for the Saint Lawrence Seaway by the Saint Lawrence Seaway Development Corporation, (C) for relocations of utilities, structures, and other improvements, necessary for construction, operation, and maintenance of such projects, (D) for making payments to any non-Federal interest which has planned and designed or planned, designed, and constructed a port in accordance with section 104 of this Act, and (E) for grants under sections 113 and 114 of this Act. No amount may be appropriated out of the Trust Fund unless the law authorizing the expenditure for which the amount is appropriated explicitly provides that the appropriation is to be made out of the Trust Fund.

(2) Nothing in this section shall be deemed to authorize any program, project, or other activity not otherwise authorized by law.

Sec. 1302. The amounts appropriated by section 1301(b) to the Trust Fund shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secre-

tary of the Treasury of the amounts referred to in section 1301(b). Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

Sec. 1303. (a) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund and to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next five fiscal years. Such report shall be printed as a House document of the session of the Congress to which the report is made.

(b)(1) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States. For such purpose, such obligations may be acquired—

(A) on original issue at the issue price, or  
(B) by purchase of outstanding obligations at the market price.

(2) Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

(3) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

Sec. 1304. For purposes of this title—

(1) the term "construction" includes any planning, designing, engineering, and surveying which is necessary to carry out a project for a port and which is performed after authorization of the project; and

(2) the terms "port" and "United States" have the meanings given such terms in section 115 of this Act.

#### PART XIV—BRIDGES OVER NAVIGABLE WATERS

Sec. 1401. (a) The Secretary shall reimburse, from sums appropriated under this section—

(1) the owner of the Port of Houston Authority bridge over Greens Bayou, Texas, appropriately two and eight-tenths miles upstream of the confluence of Greens Bayou and the Houston Ship Channel, and

(2) the owner of the pipeline bridge over Greens Bayou, Texas, immediately adjacent to the Port of Houston Authority bridge over Greens Bayou, for work done before the date of enactment of this Act for alterations to each such bridge which were reasonably necessary for the purposes of navigation.

(b) There is authorized to be appropriated not to exceed \$450,000 to carry out paragraph (1) of subsection (a) and not to exceed \$250,000 to carry out paragraph (2) of subsection (a).

Sec. 1402. The Secretary of Transportation, in consultation with the Secretary, is authorized and directed to transmit to Congress a list of those bridges over navigable waters of the United States which have Federal permits and which were constructed, reconstructed, or removed during the period January 1, 1948, to January 1, 1985.

Sec. 1403. Section 5 of the Act of August 18, 1894 (33 U.S.C. 499), shall not apply to the drawbridge known as the James A. Burke Bridge crossing the Fore River on Route 3A between Quincy and Weymouth, Massachusetts. The State of Massachusetts shall have the exclusive authority to regulate the opening of such bridge.

#### PART XV—REPORTS

Sec. 1501. If any report required to be transmitted under this Act to the Committee on Environment and Public Works of the Senate pertains in whole or in part to fish and wildlife mitigation, benthic environmental repercussions, or ecosystem mitigation, the Federal officer required to prepare or transmit that report also shall transmit a copy of the report to the Committee on Merchant Marine and Fisheries of the House of Representatives.

Sec. 1502. There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1985, an additional \$5,000,000, to remain available until expended, for the "Tennessee Valley Authority Fund" for the conduct of a demonstration project for the construction of a main water transmission line.

By Mr. MICHEL:

—Page 44, after line 23, insert the following:

#### HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE

For an additional amount for humanitarian assistance provided to such department or agency of the United States as the President shall designate, except the Central Intelligence Agency or the Department of Defense, to the Nicaraguan democratic resistance, \$27,000,000 to remain available for obligation until March 31, 1986. Notwithstanding the Impoundment Control Act of 1974, one-third of the amount appropriated by this paragraph shall be available for obligation upon the enactment of this Act, an additional one-third shall be available for obligation upon submission of the first report required by section 104 of this chapter, and the remaining one-third shall be available for obligation upon submission of the second such report. As used in this paragraph, the term "humanitarian assistance" means the provision of food, clothing, medicine, and other humanitarian assistance, and it does not include the provision of weapons, weapons systems, ammunition, or other equipment, vehicles or material which can be used to inflict serious bodily harm or death.

#### ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT

For payment by the Secretary of State for the expenses arising from implementation by the Contadora nations (Mexico, Panama, Colombia, and Venezuela) of an agreement among the countries of Central America based on the Contadora Document of Objectives of September 9, 1983, including peacekeeping, verification, and monitoring systems, \$2,000,000, to remain available until expended.

#### GENERAL PROVISIONS

Sec. 101. Funds appropriated by this chapter under the headings "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT" may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956 or any other comparable provisions of law.

Sec. 102. (a) The prohibitions contained in section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in Section 101 of Public Law 98-473) and section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall, without limitation as to fiscal year, apply with respect to funds appropriated by this chapter under the headings

"HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT".

(b) Nothing in this Act, section 8066(a) of the Department of Defense Appropriations Act, 1985 (as contained in Section 101 of Public Law 98-473), or section 801 of the Intelligence Authorization Act for Fiscal Year 1985 (Public Law 98-618) shall be construed to prohibit the United States Government from exchanging information with the Nicaraguan democratic resistance, or the obligation and expenditure, but only for the purposes for which they are expressly made available, of the funds appropriated by this chapter under the headings "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT."

Sec. 103. The President is urged—

(1) to vigorously pursue the use of diplomatic and economic steps to resolve the conflict in Nicaragua, including negotiations to—

(A) implement the Contadora Document of Objectives of September 9, 1983; and

(B) at the same time, develop trade and economic measures in close consultation and cooperation with other nations which will encourage the Government of Nicaragua to take the necessary steps to resolve the conflict;

(2) to suspend military maneuvers in Honduras and off Nicaragua's coast, and to lift the embargo on trade with Nicaragua, if the Government of Nicaragua agrees to a ceasefire, to open a dialog with the Nicaraguan democratic resistance and to suspend the state of emergency; and

(3) to resume bilateral discussions with the Government of Nicaragua with a view of encouraging—

(A) a church-mediated dialog between the Government of Nicaragua and the Nicaraguan democratic resistance in support of internal reconciliation, as called for by the Contadora Document of Objectives; and

(B) a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives.

Sec. 104. (a) the President shall submit a report to the Congress every 90 days on the activities carried out in accordance with section 103 and on the assistance provided under the paragraphs of this chapter headed "HUMANITARIAN ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE" and "ASSISTANCE FOR IMPLEMENTATION OF A CONTADORA AGREEMENT". Such reports shall describe the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate and the progress of efforts to achieve the objectives set out in paragraph (3) of section 103 and shall provide a detailed accounting of the disbursement of any such assistance.

(b) As part of each of the reports submitted pursuant to subsection (a), the President shall submit to the Permanent Select Committee on Intelligence of the House of Representatives, and to the Select Committee on Intelligence of the Senate, a report on alleged human rights violations by the Nicaraguan democratic resistance and the Government of Nicaragua. With respect to the alleged violations the report shall include information on who is responsible for such human rights violations.



## SEC. 105. ADDITIONAL ASSISTANCE FOR THE CENTRAL AMERICA PEACE PROCESS.

(a) **SUBMISSION OF REQUEST.**—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have produced an agreement, or show promise of producing an agreement, or

(2) other trade and economic measures will assist in a resolution of the conflict, or to stabilization in the region. The President may submit to the Congress a request for budget and other authority to provide additional assistance for the furtherance of the Central America peace process.

(b) **STATEMENT TO BE INCLUDED.**—The President's request shall include a detailed statement as to progress made to resolve the conflict in the region.

(c) **CONSULTATION WITH THE CONGRESS.**—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) **CONGRESSIONAL ACTION.**—The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Central America peace process that the President requested pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672:"

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985."

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed

to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.

## SEC. 106. ADDITIONAL ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE.

(a) **SUBMISSION OF REQUEST.**—If the President determines at any time after the enactment of this Act that—

(1) negotiations based on the Contadora Document of Objectives of September 9, 1983, have failed to produce an agreement, or

(2) other trade and economic measures have failed to resolve the conflict,

the President may submit to Congress a request for budget and other authority to provide additional assistance for the Nicaraguan democratic resistance.

(b) **STATEMENT TO BE INCLUDED.**—The President's request shall include a detailed statement as to why the negotiations or other measures have failed to resolve the conflict in the region.

(c) **CONSULTATION WITH THE CONGRESS.**—In formulating a request pursuant to subsection (a), the President shall consult with the Congress.

(d) **CONGRESSIONAL ACTION.**—(1) The provisions of this subsection apply, during the 99th Congress, to the consideration in the House of Representatives of a joint resolution with respect to the request submitted by the President pursuant to subsection (a).

(2) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the Congress receives the request submitted by the President pursuant to subsection (a)—

(A) the matter after the resolving clause of which is as follows: "That the Congress hereby approves the additional authority and assistance for the Nicaraguan democratic resistance that the President requested

pursuant to the Supplemental Appropriations Act, 1985, notwithstanding section 10 of Public Law 91-672:"

(B) which does not have a preamble; and

(C) the title of which is as follows: "Joint Resolution relating to Central America pursuant to the Supplemental Appropriations Act, 1985."

(3) A joint resolution shall, upon introduction, be referred to the appropriate committee or committees of the House of Representatives.

(4) If all the committees of the House to which a joint resolution has been referred have not reported the same joint resolution by the end of 15 legislative days after the first joint resolution was introduced, any committee which has not reported the first joint resolution introduced shall be discharged from further consideration of that joint resolution and that joint resolution shall be placed on the appropriate calendar of the House.

(5)(A) At any time after the first joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(6) As used in this subsection, the term "legislative day" means a day on which the House is in session.

(7) This subsection is enacted—

(A) as an exercise of the rulemaking power of the House of Representatives, and as such it is deemed a part of the rules of the House, but applicable only with respect to the procedure to be followed in the House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the House to change its rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House, and of the right of the Committee on Rules to report a resolution for the consideration of any measure.